GCHI-NAAKNIGEWIN



PREAMBLE

Atikameksheng Anishnawbek have a history and connection with our land, Shkagamik-kwe (Mother Earth), which dates back to time immemorial. We are proud of our rich Anishinabe way of life.

Together we share our language, our traditions, our ways of life and our laws. Together we believe in our vision as Atikameksheng Anishnawbek. We identify ourselves as Debendaagziwaad.

By this Gchi-Naaknigewin, we proclaim and acknowledge that Atikameksheng Anishnawbek are free and independent. Gichi jemminado has placed us here to uphold our sacred obligations to Shkagamik-kwe, our nation, our clans and our families.

Gichi jemminado has given us many beautiful and wonderful gifts needed to survive and to continue to live in harmony with Shkagamik-kwe – the plants, animals, fish, water, air and each other. We are given the ability, guidance and teachings to be respectful, honest, caring and sharing people. It is these gifts that enable us to govern ourselves in a fair and generous manner, thus continuing our existence on Shkagamik-kwe. We are protectors of Shkagamik-kwe. This Gchi-Naaknigewin reflects our strong inherent values and principles.

Atikameksheng Anishnawbek occupied and enjoyed their traditional lands and have never extinguished traditional and inherent rights to aboriginal harvesting, gathering, hunting, fishing, living and enjoyment in these lands. We the Atikameksheng Anishnawbek people proclaim absolute ownership of our territory based on the belief that we did not extinguish ownership, nor cede ownership to the Crown. Further, we proclaim our ancestors identified and designated lands and resources for their people and their descendants.

This Gchi-Naaknigewin is based on oral traditions developed after much discourse throughout history by generations of Atikameksheng Anishnawbek and constitutes the supreme and defining law of Atikameksheng Anishnawbek.

DEFINITIONS

"Anishnaabemowin" the original language of the Atikameksheng people. It is known in English as Ojibway.

"Debendaagziwaad" (Debendaagizid – singular form) refers to the people of the Atikameksheng Anishnawbek. Those people who are recognized as "those who belong" and are registered with Atikameksheng Anishnawbek .

"Gchi-Naaknigewin" means big law in the Anishnaabemowin language. It translates to the English word Constitution;

"Gimaa" means the person elected as Chief.

"Gichi jemminado" means the creator in Ojibway

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1.0 *FUNDAMENTAL VALUES OF THE ATIKAMEKSHENG ANISHNAWBEK*

1.1 The Atikameksheng Anishnawbek is founded on values that have always been shared by all Debendaagziwaad in particular:

(a) revere Gichi jemminado who created this land, placed us on it as stewards and endowed each person on it with a unique spirit;

(b) cherish and celebrate the spirituality of our people;

(c) respect the traditional values of our Seven Grandfather Teachings of Honesty Wisdom, Bravery, Love, Humility, Respect and Truth;

(d) honour the traditions of our ancestors, the wisdom of our Elders and the knowledge keepers; and

(e) respect the dignity of each person.

1.2 We acknowledge the principles set out in the Atikameksheng Anishnawbek Proclamation that was approved by Gimaa and Council following consultation with the Debendaagziwaad of Atikameksheng (Motion 2011-2012-282 January 18, 2012).

2.0 LANGUAGE AND TRADITION

2.1 The official languages of Atikameksheng Anishnawbek are Anishnaabemowin and English.

2.2 Atikameksheng Anishnawbek respect and encourage the use of the Anishnaabemowin and the practice of Atikameksheng Anishnawbek Traditions and Traditional Way of Life.

3.0 ATIKAMEKSHENG ANISHNAWBEK LANDS AND TRADITIONAL TERRITORY

3.1 Atikameksheng Anishnawbek have sole jurisdiction with respect to our Traditional Territory.

3.2 Atikameksheng Anishnawbek have legal interest and rights to all lands owned, leased, claimed or occupied by Atikameksheng.

3.3 The Atikameksheng Anishnawbek has a sacred trust from the Gichi jemminado to protect the natural environment and to ensure that any use of or developments within our Traditional Territory respect the rules, regulations, and procedures with respect to the environment that are set out in our Traditional Knowledge and Teachings and in the Atikameksheng Anishnawbek Land Management Code.

4.0 THE GCHI-NAAKNIGEWIN OF ATIKAMEKSHENG ANISHNAWBEK

4.1 This Gchi-Naaknigewin is the Supreme Law of the Atikameksheng and applies to all Debendaagziwaad.

4.2 All Atikameksheng Laws or regulations shall be consistent with this Gchi-Naaknigewin.

4.3 All rights and freedoms in respect to the United Nations Declaration on the Rights of Indigenous Peoples shall apply to all of Atikameksheng Debendaagziwaad.

4.4 If there is a conflict or inconsistency between the Atikameksheng Gchi-Naaknigewin and other Atikameksheng laws, regulations, resolutions, motions, policies and rules, the Atikameksheng Gchi-Naaknigewin will prevail and any law that is inconsistent with the provisions of the Gchi-Naaknigewin is, to the extent of the inconsistency, of no force or effect.

4.5 The Canadian Charter of Rights and Freedoms applies to Atikameksheng Anishnawbek in respect of all matters within its authority.

4.6 If any part, section or sub section, of this Gchi –Naaknigewin is for any reason held invalid by a decision of a Court of Competent jurisdiction, the invalid section will be severed from and not affect the remaining provisions of this Law.

5.0 PROTECTION OF RIGHTS AND FREEDOMS

5.1 The rights and freedoms guaranteed in the Atikameksheng Gchi-Naaknigewin are subject only to limits prescribed by law that can be demonstrated and justified in accordance with the Atikameksheng Anishnawbek traditions and the free and democratic nature of Atikameksheng Anishnawbek society.

6.0 APPLICATION

6.1 This Gchi-Naaknigewin shall apply to all Debendaagziwaad.

6.2 Every Debendaagziwaad has the right to exercise the following freedoms and no law created under this Gchi-Naaknigewin shall unreasonably restrict the exercise of these freedoms:

(a) to practice his/her Anishnaabe and treaty rights including the right to harvest the gifts of the Creator in a sustainable manner;
(b) to practice his/her religion;
(c) to learn to speak Anishnaabemowin;
(d) to live in a manner that is in keeping with his/her Anishnaabe traditions;
(e) to participate in the selection of First Nation leadership as set out in the Constitution and our Laws;
(f) to participate in the public decision-making processes set out in the Constitution and our Laws; and
(g) to fair and equal access to programs and services provided under Atikameksheng Anishnawbek laws or such federal or provincial laws that Atikameksheng Anishnawbek has agreed to apply on Atikameksheng Anishnawbek Territory.

6.3 Every Debendaagziwaad of Atikameksheng is equal before and under our Laws of Atikameksheng, without discrimination.

7.0 ATIKAMEKSHENG ANISHNAWBEK GOVERNMENT

7.1 Atikameksheng Anishnawbek acts through its elected Gimaa and Council in exercising its rights, powers and privileges and in carrying out its duties, functions and obligations as a First Nation, including the development and implementation of laws, regulations and policies that are deemed necessary to ensure the well being of Atikameksheng Anishnawbek.

7.2 The election of a Gimaa and Councillors of Atikameksheng Anishnawbek shall adhere to the Atikameksheng Anishnawbek Election Code.

7.3 The Atikameksheng Anishnawbek elected Gimaa and Council is accountable to the Debendaagziwaad of Atikameksheng for their conduct, decision making and the financial administration of Atikameksheng Anishnawbek.

7.4 The Gimaa and each of the Councillors, members of committees, administrators and any other group operating under the authority of Atikameksheng Anishnawbek have moral and legal responsibility to conduct their affairs in office in a manner that:

(a) respects the best interests of Atikameksheng Anishnawbek and preserves and promotes the peace, public order, unity, well-being and safety of Atikameksheng Anishnawbek;
(b) is cooperative, consultative, trustworthy and honest;
(c) upholds and adheres to this Gchi-Naaknigewin and all Atikameksheng Anishnawbek Laws and regulations made under this Gchi-Naaknigewin;
(d) ensures the protection of our Anishnaabe, treaty and inherent rights;
(e) provides for good, effective and accountable decision-making;
(f) provides for fair, equitable, coordinated and timely access to public programs and service delivery established under Atikameksheng Anishnawbek Laws and regulations or under such federal or provincial laws and regulations that Atikameksheng Anishnawbek has agreed to apply on Atikameksheng Anishnawbek Territory.

7.5 The Atikameksheng Anishnawbek may enact and maintain additional governing Institutions such as the Youth Council, the Women's Council and any other group they deem necessary provided that these groups exercise their authority and discharge their responsibilities in accordance with this Gchi-Naaknigewin, with honesty, in good faith and in the best interests of Atikameksheng Anishnawbek.

7.6 Council meetings shall be open, except when a personal or personnel matter or other confidential matters concerning Atikameksheng regulations, policies, procedures and laws at which time the Chairperson of the Band Council Meeting shall call for a motion to move "in camera". The in camera decision shall be motion and recorded in Council Meeting Minutes.

7.7 All financial transactions including expenditures shall be recorded and all records will be audited on an annual basis and presented to the Debendaagziwaad once per year at the Annual General Meeting on the fourth Thursday in September.

7.8 There shall be an Annual General Meeting that shall last at least three hours with a one hour minimum for questions and answers.

7.9 Atikameksheng Anishnawbek 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 financial resources of the First Nation.

8.0 LEGISLATIVE AUTHORITY

8.1 The Atikameksheng Anishnawbek has the power, privilege, jurisdiction and authority of governance and may pass laws with the respect to the following matters, including but not excluding:

(a) **General:**

1. The process for developing and the form of Atikameksheng Anishnawbek Laws.
2. The expression and exercise of self-government including the establishment of agreements with the Government of Canada and the Provincial and Territorial Governments.
3. The establishment of mechanisms and procedures for appeals of laws of administrative decisions.
4. Conflict of Interest.

(b) **Debendaagziwaad Code:**

1. Mechanisms for defining Atikameksheng Anishnawbek Debendaagziwaad.
2. Determining Atikameksheng Anishnawbek Debendaagziwaad.
3. Rights and Freedoms of Atikameksheng Anishnawbek Debendaagziwaad.

(c) **Leadership:**

1. Selection of its leadership-election code.
2. Duties, powers and responsibilities.
3. Political, financial and management transparency and conflict of interest.

(d) **Treaty Rights and Responsibilities:**

1. Preservation of Treaty entitlements identified by the Robinson Huron Treaty of 1850.

(e) **Lands:**

1. Provisions protecting lands and resources.
2. The confirmation and commitment to preserve lands and resources.
3. Harvesting Laws.
4. Property rights.

(f) **Environmental Protection and Environmental Assessment:**

1. Environmental assessments.
2. Protection over land, air and waters.
3. Mineral Rights.

(g) **Education:**

1. Provisions protecting language, customs and traditions.
2. Definition of delivery standards, programs and services.

(h) **Economic Development:**

1. Licensing and incorporation of businesses including the establishment of mechanisms and procedures for financial accountability.

(i) **Social Development:**

1. Income Assistance and Employment Development.
2. Child and Family Services.
3. Daycare.
4. Community Social Supports and Education Services.

(j) **Health:**

1. Physicians and Nurses Services.
2. Mental Health Services and Substance abuse/addictions Services.
3. Community Health Support and Education Services.

(k) **Public Order, Peace and Safety:**

1. Determining safety laws.
2. The establishment of public order, peace and safety laws and by-laws.
3. Any other enforcement provisions appropriate to the subject matter of the law.

(l) **Traffic and transportation:**

1. Determining Street laws and bylaws.
2. Implementing transportation and traffic laws and by-laws.

8.2 Within four (4) fiscal years of the Gchi-Naaknigewin being ratified the Debendaagzi-waad Code shall be created, ratified and adopted.

9.0 LAW-MAKING PROCESS AND COMMUNITY DECISION-MAKING

9.1 A draft law may be introduced at a duly convened meeting of Gimaa and Council:

(a) By the Atikameksheng Anishnawbek Gimaa, Deputy Gimaa and or a member of Council;
(b) Debendaagziwaad; and or
(c) By a recognized committee of Atikameksheng Anishnawbek.

9.2 A draft law can be presented to Gimaa and Council for consideration at any time, except when an election has occurred; in which case the presentation has to wait 90 days from the day Gimaa and Council took office.

9.3 A community meeting shall be called by Gimaa and Council.
The purpose of a community meeting is to:

(a) To provide information or update to Atikameksheng Anishnawbek Debendaagziwaad on issues facing the community;
(b) Seek input on questions or issues;
(c) Seek community approval of any issue requiring Atikameksheng Anishnawbek Debendaagziwaad approval; and
(d) To address emergencies on/off Atikameksheng Anishnawbek.

9.5 Administration shall take all reasonable steps to locate and give notice to the Debendaagziwaad, regardless of residence, specifying the time, date and place of the community meeting and a brief description of the question or issue to be addressed at the meeting.

9.6 Community meetings are open to all Debendaagziwaad.

9.7 Gimaa and Council are responsible for the development of meeting procedures and that these procedures are followed consistently in all community meetings and especially with those community meetings requiring a vote of the Debendaagziwaad.

10.0 PROCLAMATION AND REGISTRATION OF LAWS

10.1 Laws are enacted by the Atikameksheng Anishnawbek when:

(a) the law has been introduced and passed in accordance with the rules established in this Gchi-Naaknigewin;
(b) Debendaagziwaadwho are registered with Atikameksheng Anishnawbek, whether or not they live in Atikameksheng Anishnawbek, is eligible to vote;
(c) the law has been approved by a majority of those who participated in the vote and they voted to approve the law; and
(d) the law has been signed by a majority of Atikameksheng Anishnawbek Gimaa and Council.

10.2 The Atikameksheng Anishnawbek must make a law under which:

(a) a public registry of Atikameksheng Anishnawbek Laws will be maintained in the English language and, in Anishnaabemowin; and

(b) Additional procedures may be established for the enactment, coming into force, and publication of Atikameksheng Anishnawbek Laws.

10.3 A copy of Atikameksheng Anishnawbek Law shall be posted in the administration building, library and the political office of Atikameksheng Anishnawbek.

11.0 ENFORCEMENT OF ATIKAMEKSHENG ANISHNAWBEK LAWS

11.1 The Atikameksheng Anishnawbek Laws will include enforcement provisions appropriate to the subject matter and nature of the law.

12.0 REVIEW AND APPEAL OF ADMINISTRATION DECISIONS

12.1 Gimaa and Council shall provide procedures for the appeal or the review of administrative decisions of Gimaa and Council as well as its committees, boards and other entities that are created by the Gimaa and Council and shall do so within twelve (12) months from the ratification date of approval for Gchi-Naaknigewin.

13.0 REVIEW AND CHALLENGING OF LEGISLATION

13.1 The Atikameksheng Anishnawbek shall establish appropriate procedures for the appeal of the application of legislation and for challenging the validity of Atikameksheng Anishnawbek Laws and shall do so within twelve (12) months from the date this Gchi-Naaknigewin comes into force.

14.0 AMENDMENT OF THE ATIKAMEKSHENG ANISHNAWBEK GCHI-NAAKNIGEWIN

14.1 An amendment to this Gchi-Naaknigewin may be initiated by:

(a) Gimaa and Council passing a resolution proposing an amendment; and/or;

(b) Written request proposing an amendment to Gimaa and Council from Debendaagziwaad; and/or;

(c) By a recognized committee of Atikameksheng Anishnawbek.

14.2 Upon receipt of the written request or passage of the resolution, Gimaa and Council must ensure wording is developed for a referendum on the proposed amendment.

14.3 Prior to conducting a referendum on the proposed constitutional amendment, Gimaa and Council must ensure there is community consultation on the proposed amendment within sixty (60) days after the receipt of the written request or passage of the resolution.

14.4 Gimaa and Council will consider any input from the community consultation and then determine whether to proceed with the proposed wording on the amendment or change the wording of the proposed amendment based on the input received.

14.5 Gimaa and Council must, by resolution, at least fifteen (15) 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 Debendaagziwaad on the date of the referendum.

14.6 The referendum must occur within thirty (30) days of the end of the community consultation period.

14.7 If a majority of the Atikameksheng Debendaagizid, who attended the vote, vote in favor of the proposed amendment, this Gchi-Naaknigewin is amended accordingly.

14.8 Notwithstanding subsection 14.1, the Gimaa and Council may by resolution amend this Gchi-Naaknigewin at any time in the following instances;

(a) Changing the existing name of the Atikameksheng Anishnawbek to a new name;

(b) changing the name or title of an authorized Atikameksheng Anishnawbek public institution, board, or commission to reflect changed mandates as may be altered by Atikameksheng Anishnawbek Gimaa and Council; and

(c) Deleting a name or title of a dissolved public institution, board or commission.

15.0 ENACTMENT CLAUSE

15.1 Ratified by a referendum vote of the Debendaagziwaad of Atikameksheng on the 24th day of the month of July in the year 2015 verified by the Electoral Officer of the majority vote of eligible voters at a duly called referendum, this day 24th in the month of July in the year 2015 .

Signature of the Electoral Officer,

_____.

Signed into Law on Behalf of the Atikameksheng Anishnawbek people this 24th day of the month of July in the year of 2015 .

Gimaa & Council Signatures

Gimaa	Chief Steve Mullen
Deputy Gimaa	
Councillor	
Councillor	
Councillor	
Councillor	

ACKNOWLEDEGMENTS

Together we created this Gchi-Naaknigewin through stories and vision. As a community we can inspire hope and create opportunities for a better tomorrow. Chi-Miigwetch

Committee Members:

Current:

Darlene Naponse	Councillor Monica Homer	Dolores Naponse
Freda Millard	Jeffrey Naponse	Mildred Young
Consultant Elizabeth Richer		

Previous:

Andre Paishegwan	Arthur Petahtegoose	Bernard Petahtegoose
Councillor Gail Shawbonquit	Councillor Harvey Petahtegoose	Dianne Enosse
Teresa Migwans (Previous Chief)	Justin Nootchtai	Late Rose Marie Shawbonquit
Pamela Naponse-Corbiere	Ralph Young	Vanessa Young