

*PIC MOBERT FIRST NATION
CHI-NAAKNIGEWIN*

2016

**Pic Mobert First Nation
CHI-NAAKNIGEWIN**

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WHEREAS

We the Anishinaabe people of the Pic Mobert First Nation have inherent rights over our lands and waters and have been entrusted with the care of our lands and waters by the Creator today and for future generations; and,

As part of this trust given to us by the Creator, 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 Pic Mobert 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,

Mindful that, the United Nations 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 when the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* in 2007; and,

Recognizing *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 recognizing that *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,

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

Recognizing that 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 Pic Mobert First Nation exercise our inherent aboriginal and treaty rights to govern ourselves and exercise our responsibilities that have been bestowed 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 the people of the Pic Moberg First Nation;

Ngo Dwe Waangizid Anishinaabe

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

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

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

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

Debenjged 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. This document shall be cited as the "Pic Mobert First Nation Chi-Naaknigewin".

Article 1 - Interpretation

2. In this Chi-Naaknigewin,
 - a. "Gimaa" (Chief) means the person elected as the Gimaa in accordance with any Pic Mobert First Nation election law that may be enacted or amended from time to time in accordance with this Chi-Naaknigewin;
 - b. "Council" means, along with the Gimaa, the elected governing body of the Pic Mobert First Nation;

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- c. "Councillor" means a member of Council elected in accordance with any Pic Mobert First Nation election law that may be enacted or amended from time to time in accordance with this Chi-Naaknigewin ;
- d. "Pic Mobert First Nation Law" means a law made by the Pic Mobert First Nation in accordance with this Chi-Naaknigewin;

Article 2 - Our Fundamental Values and Beliefs

- 3. Every Pic Mobert First Nation citizen shall strive to:
 - a. follow the teachings of our Seven Grandfathers;
 - b. preserve, protect and promote the betterment of our people, our lands, waters and resources;
 - c. preserve, protect and promote respect for our rights, values, language, culture and history;
 - d. promote the traditional and modern education of our Pic Mobert First Nation citizens;
 - e. promote the spiritual and physical well-being of our citizens;
 - f. promote positive and healthy communications between our people and with our government; and,
 - g. carry out any function, activity or responsibility as may be necessary for the betterment of Pic Mobert First Nation, as we have expressed ourselves in this Chi-Naaknigewin.

Article 3 - Supreme Law of the Pic Mobert First Nation

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

Article 4 - Governing Structures of the Pic Mobert First Nation

Article 5 - The Gimaa and Council

- 6. The Pic Mobert First Nation shall be governed by a Gimaa and Council elected in accordance with a Pic Mobert First Nation Election Law and in accordance with this Chi-Naaknigewin. Each representative of the Gimaa and Council must be a citizen of the Pic Mobert First Nation.

Article 6 - Agencies, Boards and Committees

7. The Pic Mobert First Nation may establish any committees, boards, advisory councils or agencies it deems necessary to assist with the effective governance of the Pic Mobert First Nation and may delegate any powers and authorities to any committees, boards, advisory councils or agencies, except the power to enact laws.

Article 7 - The Law Making Powers of the Pic Mobert First Nation

8. The Pic Mobert First Nation has the inherent right bestowed to it by the Creator to enact any laws it 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 of Pic Mobert First Nation.
9. The power of the Pic Mobert First Nation to enact any laws in accordance with this Chi-Naaknigewin shall only be exercised by the Gimaa and Council.
10. Each law enacted must be demonstrably shown to be for the betterment of the people of the Pic Mobert First Nation and in furtherance of the purpose set out in section 8 above.

Article 8 - Pic Mobert First Nation Laws and Other Decisions of Gimaa and Council Requiring Approval by Eligible Voters of the Pic Mobert First Nation

11. For greater certainty, the approval by eligible voters of the Pic Mobert 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.

Article 9 - Pic Mobert First Nation Laws Requiring Approval by Eligible Voters of the Pic Mobert First Nation

- 12.1 The following kinds of laws require approval by eligible voters of the Pic Mobert First Nation:
 - 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 of the Pic Mobert First Nation;
 - c. Any other laws that the Gimaa and Council by unanimous resolution, decides to approve the law through this approval process;

Article 10 - Pic Mobert First Nation Gimaa and Council Decisions Requiring Approval by Eligible Voters of the Pic Mobert 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 Pic Mobert First Nation for a term that is twenty-five (25) years or longer to any person who is not a citizen of the Pic Mobert First Nation;
- b. Any decision to renewal of any of the lands interests in sub-section 12.2 (a) above;
- c. Any decision to enter into an agreement between the Pic Mobert First Nation and any corporation, governments or individual exceeding a ten (10) year term that could potentially interfere with or infringe the aboriginal or treaty rights of the Pic Mobert First Nation within its traditional territory;
- d. Any decision to enter into a borrowing agreement of any kind between the Pic Mobert First Nation and a financial institution or corporation that puts the Pic Mobert First Nation in debt excess of five million (\$5,000,000) dollars;
- e. Any decision to enter into a land claim settlement agreement; and,
- f. Any decision to enter into a self-government agreement;
- g. Any other decision by Gimaa and Council where they determine through a unanimous resolution, that it would be in the best interest of the citizens of the Pic Mobert First Nation to seek the prior approval of the eligible voters of the Pic Mobert First Nation prior to making such a decision;

Article 11 - The Law Making Process

13.0 A draft law may be introduced at any meeting of Gimaa and Council by:

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

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

13.2 All draft laws shall be presented and read at a minimum of three (3) meetings of Gimaa and Council and which shall be open to the citizens of the Pic Mobert First Nation to attend and presented at, at least one community meeting;

13.3 A law shall be considered validly enacted after:

- a. it has been introduced and read to Council and presented with the citizens at a community meeting in accordance with sub-section 13.2 above;
- b. it has been approved by the eligible voters as required by subsection 12.1
- c. it has been passed by a majority of Council in accordance with its rules and procedures;
- d. An official copy of the law has been registered in the Pic Mobert First Nation registry of laws; and,
- e. after any other action as may be necessary to carry out the intent of the law has been taken.

Article 12 - Power to Establish Any Judicial Institutions

14.0 The Pic Mobert 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 to provide mechanisms for the appeal of any of its decisions.

14.1 The Pic Mobert First Nation may establish any rules and procedures for the effective operation and management of any of the judicial institutions set out in subsection 14.0 above.

Article 13 - Financial Accountability of the Pic Mobert First Nation

15.0 The Pic Mobert First Nation Gimaa and Council shall hold at least one community meeting during the month of April of each year to allow its citizens to review the draft budget of the Pic Mobert First Nation for that fiscal year.

15.1 The Pic Mobert 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 15.0 above.

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15.2 The Pic Mobert First Nation Gimaa and Council shall hold at least one community meeting to present and review the audited financial statements of the Pic Mobert First Nation each fiscal year.

Article 14 - Rights and Freedoms of the Citizens of the Pic Mobert First Nation and Application of the Canadian Charter of Rights and Freedoms

16.0 Every citizen of the Pic Mobert First Nation shall be entitled to enjoy all of the rights and freedoms guaranteed in the *Canadian Charter of Rights and Freedoms*;

Article 15 - All Rights and Freedoms Guaranteed Shall be Subject to Reasonable Limits

17.0 This Chi-Naaknigewin guarantees the rights and freedoms set out herein subject only to such reasonable limits that are set out in Pic Mobert First Nation law that can be demonstrably justified to protect the collective interests of the Pic Mobert First Nation.

Article 16 - Concurrent Application of Federal and Provincial Laws

18.0 For greater certainty, all federal and provincial laws shall operate concurrently and shall continue in force until displaced by Pic Mobert First Nation laws.

Article 17 - Relationship with the Anishinabek Nation Grand Council

19.0 Pic Mobert First Nation is a member of the Anishinabek Nation Grand Council.

19.1 If there is any conflict between this Chi-Naaknigewin and the Anishinabek Nation Chi-Naaknigewin, this Chi-Naaknigewin shall prevail to the extent of the conflict.

Article 18 - Amendment Procedure for this Chi-Naaknigewin

20.0 An amendment to this Chi-Naaknigewin may be initiated by:

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

20.1 Upon receipt of the written request or passage of the resolution identified in section 20.0 (a) or (b) the Gimaa and Council shall ensure draft amendments are developed for a referendum on the proposed Chi-Naaknigewin amendment.

20.2 Prior to conducting a referendum on the proposed 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 20.0

20.3 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.

20.4 The Gimaa and Council must, by resolution at least thirty (30) business days prior to the referendum:

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

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

20.6 At least 25% of all eligible voters must participate in any referendum to approve and amend this Chi-Naaknigewin to be valid.

20.7 If at least 50+1% of the 25% of eligible voters vote in favor of the proposed amendment, the Chi-Naaknigewin shall be amended accordingly.

20.8 All amendments to this Chi-Naaknigewin must be published by the Gimaa and Council.