

# Cowessess First Nation Constitution

DRAFT V.5

DRAFT



December 2018

# **Cowessess First Nation**

## ***Constitution***

### **1.0 DECLARATION**

- 1.1 The Creator has allowed us, the Original People to inhabit our territories since time immemorial. We, the People, shall govern ourselves and live in harmony. We shall assert and promote our rights, responsibilities and sacred obligations from generation to generation.
- 1.2 We acknowledge and honour our sacred connection to all that surrounds us, those we have shared our environment with since time immemorial; as instructed by our ancestors, we acknowledge our historical interdependence on the teachings of all things within the ecosystem and the beings that share this space with us, we are all sentient and spirit beings, this makes us all related. All manifestations of Creation share equal rights and responsibilities in our collective existence, we are all obligated to live in harmony and take care of these interrelationships; this is a fundamental principle of the Cowessess First Nation Citizens to which we refer to as "All My Relations".
- 1.3 We, the People of Cowessess First Nation, assert our way of life and our self-determination; our well being will be enhanced, controlled and protected within our Nation as long as the sun shines, the waters flow and the grass grows.
- 1.4 We, the People of Cowessess First Nation, declare that we shall work to empower ourselves and to live with dignity as proud and independent People. Cowessess First Nation shall strive to prosper as a self-reliant society, with a sustainable economy. Through this, our distinctive culture, customs, spirituality and practices of self-determination, and well-being, will be preserved and enhanced for generations to follow.
- 1.5 We, the People of Cowessess First Nation, on behalf of all its Citizens, and Citizens yet unborn, declare the right to redress historical wrongs that have been brought upon our Nation without our free, prior and informed consent.
- 1.6 Finally, we declare, by virtue of our rights, responsibilities and freedoms as a self-determining First Nation, in a Nation-to-Nation relationship with the Crown, the establishment of the *Constitution* of the Cowessess First Nation.

### **2.0 PURPOSE**

- 2.1 This *Constitution* of the Cowessess First Nation is to assert our rights and give expression to the collective principles that guide our Nation's law making and governance; make decisions; empower People; plan strategically; heal; and guide our relationships with

other Nations and non-Indigenous partners.

- 2.2 This *Constitution* is the Framework for the implementation of our Inherent Rights, Treaty Rights, and Aboriginal Rights as verified in the Royal Proclamation of 1763 and affirmed in Canada's *Constitution Act, 1982*. These rights extend to all of Cowessess First Nation Citizens regardless of their locale. This *Constitution* also forms the basis for our government authority, our jurisdiction and our laws. From this foundation, the direct linkage will pass through to all acts, policies and laws of the Cowessess First Nation as developed, amended, and ratified; now and by our future generations.
- 2.3 **WHEREAS** the Citizens of the Cowessess First Nation codifies these overarching principles, laws and governance structures to guide the development of and the assertion of our Inherent Rights, Treaty Rights, Aboriginal Rights and responsibilities as a Nation;
- 2.4 **WHEREAS** this *Constitution* represents the unified voice of Cowessess First Nation Citizens in our collective efforts to uphold and strengthen our culture, heritage, language, social, economic, democratic and political fabric of our Nation; and,
- 2.5 **WHEREAS** this *Constitution* is the supreme law of the land within the territories of the Cowessess First Nation.

### **3.0 PRINCIPLES**

- 3.1 The Cowessess First Nation reveres the Great Spirit who created this land, placed us here as its stewards, and endowed each person with a unique spirit; the Cowessess First Nation shall respect the dignity of each Citizen.
- 3.2 The Cowessess First Nation is a self-determining Nation. Creation is followed by a history measured in thousands of years during which time the ancestors of Cowessess First Nation evolved and grew within the spiritual traditions given to them by the Creator, and in the process, developed political, social, educational, economic, and spiritual structures and institutions. As ancestors of Cowessess First Nation evolved, so did our relationship to the land. The Creator gave us the ability to govern ourselves in peace and tranquility, to live in harmony with nature and humankind. We shall exercise our rights, and perform our responsibilities and sacred obligations from generation to generation.
- 3.3 Our inherent right to freedoms and democracy means that both our collective rights and our individual rights are provided for and protected in a balanced manner.
- 3.4 Ancestors of Cowessess First Nation spent their lifetime studying, meditating, and living the way of life required to understand traditions, teachings and laws in which the Treaty is rooted. The Cowessess First Nation is a signatory to Treaty Number Four with the

British Crown agreed to in Fort Qu'Appelle, September 15<sup>th</sup>, 1874. The Cree, Saulteaux, and Assiniboine Nations whom negotiated Treaty Four share spiritual philosophies, teachings, laws, and traditions that create interconnectedness that the Cowessess First Nation continues to build upon. Through this Treaty, our ancestors forever bound the Citizens of Cowessess First Nation to co-exist with the Crown and the other of Her Majesty's subjects, based on mutual respect for each other's cultures, societies, governance, institutes and structures.

- 3.5 The paramount power of our government rests with our Citizens. Through our law-making and electoral processes, our electors shall establish and mandate our government and our governance practices in accordance with our acts, laws and policies of the Cowessess First Nation.
- 3.6 In the exercising of our rights and responsibilities, we will govern ourselves and determine our destiny; we will establish and maintain peace, order and good government; and we will govern over our territories, lands, and resources.
- 3.7 We prescribe to the 10 Treaty Principles as adopted by our fellow Treaty Nations in Treaties 2, 4, 6, 8 and 10:
  - 3.7.1 We, the First Nations, come from Mother Earth, and this determines our relationship with nature, our role as stewards of this land and all forms of life and our sovereignty.
  - 3.7.2 We, the First Nations, occupied North America as sovereign Nations long before other People came to our shores.
  - 3.7.3 We, the First Nations, have always made our own laws, institutions and jurisdiction, which reflects our culture, values and languages.
  - 3.7.4 Our sovereignty enabled us to enter into Treaty and other political accords with other Nations.
  - 3.7.5 The Royal Proclamation of 1763 affirmed our sovereignty, institutionalized the Treaty-making process, and made our consent a condition before our lands and resources could be alienated.
  - 3.7.6 First Nations and Crown affirmed each other's sovereignty in the treaty process.
  - 3.7.7 Our sovereignty defines our nationhood and this will continue forever.
  - 3.7.8 Our Treaty has International stature.
  - 3.7.9 The spirit and intent of the treaty relationship is more valid than the written text and will last as long as the sun shines, the rivers flow and the grass grows.
  - 3.7.10 Canada has an on-going obligation to fulfill the Treaty according to the Spirit and Intent.
- 3.8 We accept the responsibilities that go with our rights, knowing that we are responsible for our destiny and that our government is accountable to our Citizens.
- 3.9 We prescribe to the Seven Sacred Teachings in our conduct as Cowessess First Nation

Citizens, in our dealings with each other, our neighbors and other partners; we commit to act with Respect, Love, Courage, Honesty, Wisdom, Humility and Truth.

#### **4.0 RIGHTS OF THE CITIZENS**

4.1 The Citizens of the Cowessess Nation possess inalienable rights that give expression to the fundamental values of the Nation. This *Constitution* respects the unique spirit, respects the dignity and supports the independence of each Citizen, regardless of residency.

4.2 The rights of the Citizens include, but may not be limited to, the following:

4.2.1 Entry laws – Every Cowessess First Nation Citizen has the right to enter, remain in and leave Cowessess land in accordance with the laws and policies of the Nation;

4.2.2 Political rights – Every Cowessess First Nation Citizen has the right to make political choices, to participate in political activities and to express a view on any matter of public concern;

4.2.3 Freedom of expression – Every Cowessess First Nation Citizen has the right to express their perspective without fear of reprisal;

4.2.4 Freedom of assembly – Every Cowessess First Nation Citizen has the right to lawfully assemble without fear of reprisal;

4.2.5 Review and appeal of administrative decisions – Every Cowessess First Nation Citizen has the right to an appropriate process to appeal or review administrative decisions of the Cowessess First Nation institutions;

4.2.6 Access to information – Every Cowessess First Nation Citizen has the right to reasonable access to public information held by the Cowessess institutions; mechanisms and procedures to facilitate this access to information shall be codified; and,

4.2.7 Reasonable limits – The rights set out in this *Constitution* are subject only to reasonable and/or lawful limits prescribed by the Cowessess First Nation laws that can be demonstrably justified in a free and democratic society.

#### **5.0 COWESSESS FIRST NATION GOVERNMENT STRUCTURES**

5.1 The Government of the Cowessess First Nation consisting of its Chief and Council shall be elected according to the provisions of the *Cowessess First Nation Custom Election Act*, as amended from time to time.

5.2 The Chief and Council, is the Political Arm of the governmental structure of the Cowessess First Nation; the executive authority of our First Nation is vested in the Chief and Council. It is their responsibility to abide by this *Constitution* and all other legislation and policies as established.

- 5.3 The components of the Cowessess First Nation Government structure are as follows:
  - 5.3.1 Legislative Assembly: Shall consist of Cowessess First Nation Citizens who have reached the age of 18 years and are entitled to vote in accordance with *Cowessess First Nation Custom Election Act*.
  - 5.3.2 Political Assembly: Shall consist of the Chief and Council elected in accordance with the *Cowessess First Nation Election Act*.
  - 5.3.3 Boards, Committee and other Bodies: Shall consist of Cowessess First Nation Citizens and non-Citizens appointed by Chief and Council to fulfill mandates on behalf of Cowessess First Nation.
  - 5.3.4 Public Service: Shall consist of a body of staff to implement, maintain, and deliver programming to the Cowessess First Nation Citizens and community members in accordance with program guidelines; the public service shall be subject to the availability of financial resources; and shall be governed in accordance with applicable Personnel, Financial or other such policies as legislated, and amended from time-to-time, by the Cowessess First Nation.

**6.0 GENERAL ASSEMBLIES**

- 6.1 General Assemblies ensure Citizen awareness and participation in community governance; they are also a mechanism to ensure accountability of government.
- 6.2 General Assemblies will be conducted at a minimum of two times annually in accordance with the **Rules of the Assembly as outlined in Appendix A.**
- 6.3 Special Assemblies may be called by the Chief and Council as required.
- 6.4 The Membership shall have the right to request a Special Assembly in accordance with the Rules of the Assembly.

**7.0 PROCEDURES OF GOVERNMENT**

- 7.1 The *Cowessess First Nation Constitution* is paramount over any and all laws, acts or policies enacted by the Cowessess First Nation.
- 7.2 Major Legislative Affairs, such as this *Constitution*, *Cowessess First Nation Custom Election Act*, and other Acts yet to come into force, require a minimum of three readings prior to ratification approval of electors present at a meeting in accordance with the procedures as described in Article 8.0 of this *Constitution*.
- 7.3 Policy Affairs are those local band matters, which are separate from the Major Legislative Affairs. This includes, but may not be limited to, by-laws, policies, strategies and other laws requiring Chief and Council approval. Policy Affairs includes matters such as the operation of programs, portfolio areas, and other services to the people as

developed from time to time.

## **8.0 COMING INTO FORCE**

- 8.1 This *Constitution* shall come into force after having been read and reviewed at two (2) Cowessess First Nation informational meetings and voted on for approval at a third Cowessess First Nation informational meeting as provided for herein.
- 8.2 The third and final Cowessess First Nation informational meeting called to consider ratification and approval of this *Constitution* shall be undertaken as follows:
- 8.2.1 A notice setting out the date, time and location for the third and final Cowessess First Nation informational meeting shall be posted no less than thirty (30) days prior to the date of the scheduled informational meeting;
  - 8.2.2 A notice of the meeting shall be posted in one or more conspicuous places as located on and off the Cowessess First Nation as motioned by the Chief and Council; and,
  - 8.2.3 Notice indicating that eligible voters may obtain a hard copy or electronic copy, of the *Constitution* to be voted on at the meeting from the Cowessess First Nation Administration Office during normal business hours and on the Cowessess First Nation website.
- 8.3 At the date and location set for the third and final Cowessess First Nation informational meeting, the final draft of the *Constitution* shall be read in its entirety, following which a vote of the eligible voters, present in person at the meeting, shall be taken to either approve or disapprove adoption of the *Constitution*. The agenda for the meeting shall be limited to the reading and voting on of the *Constitution*.
- 8.4 Voting at the third and final Cowessess First Nation informational meeting shall be by secret ballot of eligible voters present in person. The *Constitution* shall be considered enacted if approved by a majority of those eligible voters present at the meeting.
- 8.5 In the case of a negative or tie vote, the *Constitution* shall be considered defeated. If approved at the meeting, the *Constitution* shall come into force immediately upon ratification and approval having been obtained at the meeting.
- 8.6 Upon ratification, copies of this *Constitution* shall be made available upon request to all Citizens of the Cowessess First Nation in hard copy at the Cowessess First Nation Administration Centre at any time during normal business hours; the *Constitution* will also be web published on the Cowessess First Nation web site.

## **9.0 AMENDMENTS**

- 9.1 Any Citizen of the Cowessess First Nation may suggest changes to this *Constitution* following its adoption.
- 9.2 Any proposed amendments following its adoption shall be processed as follows:
- 9.2.1 Any elector wishing to bring forward proposed amendments to this *Constitution* shall notify the Cowessess First Nation Chief and Council in writing of the proposed amendment and the reasons therefor; and,
- 9.2.2 Upon receipt of the proposal to amend, the matter shall be forwarded to the First Nation Executive Director for review and consideration. The Executive Director shall review the proposed amendment and make a decision as to whether the amendment requires further discussion and debate. If the Executive Director is of the view that the matter warrants further discussion and debate, the proposed amendment shall be referred, in writing, to the Chief and Council with their comments. If the Executive Director determines that the amendment is frivolous, vexatious, or has been tendered in bad faith, the Executive Director shall so notify the Citizen of their denial of the amendment and the reasons therefore. Regardless of amendment request outcome, all proposed amendments shall be made public on the Cowessess First Nation website to ensure transparency in process.
- 9.3 Amendments referred by the Executive Director, shall be reviewed by the Chief and Council. If deemed acceptable, the amendments shall be placed on the agenda at the next scheduled Cowessess First Nation Informational meeting for discussion.
- 9.4 At the Cowessess First Nation informational meeting, the proposed amendments shall be submitted to the Citizens present for their consideration. Based upon the input received from the Citizens at the meeting, the comments/review results shall then be referred back to the Chief and Council for determination as a special ratification vote or wait for the five-year review.
- 9.5 Copies of all amendments shall be made available to all Citizens of the Cowessess First Nation in hard copy at the Cowessess First Nation Administration Centre at any time during normal business hours; the amended *Constitution* will also be web published on the Cowessess First Nation web site.
- 9.6 The *Constitution* shall be reviewed and may be amended, if required within five (5) years following the adoption of this document and reviewed no later than every ten (10) years thereafter.



## 10.0 ADOPTION

We, the People, adopt the Cowessess First Nation *Constitution* effective \_\_\_\_\_.

DRAFT