

**DRAFT NO. 1**

**Draft Constitution for  
The Algonquin Nation of Ontario**



**ALGONQUIN NEGOTIATION REPRESENTATIVES**

**July 9, 2009**

**This is a first draft for discussion with Algonquin Electors. Please provide feedback on this draft to your Algonquin Negotiation Representative. All comments will be considered prior to preparing the next draft.**

## Contents

<b>PREAMBLE</b> .....	1
<b>DEFINITIONS</b> .....	2
<b>ARTICLE 1 – LANGUAGE AND CULTURE</b> .....	2
Official Languages .....	2
Respect and Encouragement of Algonquin Language .....	2
Language of Algonquin Nation Government Business .....	2
Algonquin Culture .....	2
Clan System of Government .....	2
<b>ARTICLE 2 – ALGONQUIN NATION CITIZENSHIP</b> .....	2
Algonquin Nation Citizenship .....	2
Exclusion from Algonquin Nation Citizenship .....	2
Obligations of Algonquin Nation Citizenship .....	2
Rights of Algonquin Nation Citizenship .....	2
<b>ARTICLE 3 – COMMUNITY MEMBERSHIP</b> .....	3
Authority to Determine Community Membership .....	3
Community Membership and Algonquin Citizenship .....	3
<b>ARTICLE 4 – ALGONQUIN GOVERNMENT</b> .....	3
Nation and Community Government .....	3
Seven Grandfather Teachings .....	3
Efficient Government .....	3
Decision-Making by Consensus .....	3
Accountable Government .....	3
Localized Institutions .....	3
<b>ARTICLE 5 – ALGONQUIN NATION GOVERNMENT</b> .....	3
Two Branches of Government .....	3
Algonquin Nation Grand Council .....	3
First Election for Algonquin Nation Grand Council .....	3
Eligibility of Community Chiefs and Voters .....	4
Authority of Algonquin Nation Grand Council .....	4
Elections for the Algonquin Nation Grand Council .....	4
Regular Meetings .....	4
Annual General Meeting .....	4
Notice of Regular Meeting or Special Assembly .....	4
Right to Make Presentations .....	5
Traditional Ceremony .....	5
Administration of Algonquin Nation Government .....	5
<b>ARTICLE 6 – ALGONQUIN JUDICIARY</b> .....	5
Establishment of Algonquin Judicial Institutions .....	5
Procedural Guarantees .....	5
<b>ARTICLE 7 – ALGONQUIN COMMUNITY GOVERNMENTS</b> .....	5
Composition of Algonquin Community Governments .....	5

**PREAMBLE**

WE, THE FIRST PEOPLE, THE *ANISHNABE*, ARE A PROUD AND SOVEREIGN PEOPLE WHO HAVE NAMED, WALKED AND DWELT WITHIN OUR ALGONQUIN TERRITORY SINCE TIME IMMEMORIAL.

OUR BEING IS A BLESSING (*AYAMITWAZOWIN*) FROM THE CREATOR WHO PLACED US ON THIS LAND. WE DECLARE AND ACKNOWLEDGE THE SOVEREIGNTY OF THE CREATOR.

WE HOLD THE VALUES OF THE CREATOR AND THE TEACHINGS OF THE SEVEN GRANDFATHERS AS OUR GUIDING PRINCIPLES.

OUR ALGONQUIN WAY OF BEING HAS BEEN CREATED BY LIVING AS ONE WITH THE LAND, OUR MOTHER EARTH.

WE DECLARE THAT THE ALGONQUIN NATION WILL HOLD DEAR THE GIFTS GIVEN TO US BY MOTHER EARTH.

WE ACCEPT THE DUTY TO PROTECT HER FOR SEVEN GENERATIONS.

THE LAND, THE WATER AND THE BOUNTY OF THE WATERSHED OF THE OTTAWA AND MATTAWA RIVERS HAVE SUSTAINED THE ALGONQUIN NATION FOR INNUMERABLE GENERATIONS.

WE ASSERT THAT THESE BLESSINGS ARE THE FOUNDATIONS OF OUR NATION AND WILL BE OUR STRENGTH.

WE, BEING PART OF THE GREATER ALGONQUIN NATION, UPHOLD OUR INHERENT RIGHTS AND TITLE TO OUR LAND AND WATER IN PRESENT DAY ONTARIO.

WE WILL PROTECT OUR LAND AND WATER AND FURTHER ASSERT OUR RIGHTS AS A PEOPLE TO GOVERN OUR PEOPLE.

WE WILL WORK IN HARMONY WITH THE GOVERNMENTS OF THE PRESENT DAY TO THE BENEFIT OF ALL.

FURTHER, WE WELCOME THOSE WHO HAVE SETTLED ON OUR LANDS AS EQUALS.

WE ARE A NATION.

WE DECLARE OUR RIGHT TO CARRY OUR NATION FORWARD FOR SEVEN GENERATIONS.

WE DECLARE OUR INTENTION TO PROTECT OUR MOTHER EARTH.

WE DECLARE OUR AIM TO BE GUIDED BY THE WISDOM OF OUR ELDERS.

WE DECLARE OUR PURPOSE TO BUILD A PROUD AND PROGRESSIVE ALGONQUIN NATION.

Powers of Algonquin Community Governments .....	5
<b>ARTICLE 8 – DISPUTE RESOLUTION .....</b>	<b>6</b>
Principles .....	6
<b>ARTICLE 9 – FINANCIAL ADMINISTRATION.....</b>	<b>6</b>
Principles .....	6
Algonquin Financial Accountability .....	6
<b>ARTICLE 10 – ALGONQUIN LAND AND WATER .....</b>	<b>6</b>
Ownership of Algonquin Land and Water .....	6
Protection of Algonquin Land and Water.....	6
Land for Investment or Commercial Purposes .....	6
<b>ARTICLE 11 – MANAGEMENT OF ALGONQUIN COMMUNITY [INTEREST] LAND AND WATER.....</b>	<b>7</b>
Management of Algonquin Community [Interest] Land and Water.....	7
Land for Investment or Commercial Purposes .....	7
<b>ARTICLE 12 – CONSTITUTIONAL AMENDMENT .....</b>	<b>7</b>
Referendum.....	7
Special Majority .....	7
<b>ARTICLE 13 – OTHER ALGONQUINS .....</b>	<b>7</b>
Application of Algonquin Constitution .....	7
Reunification of Algonquins.....	7

<p style="text-align: center;"><b>DEFINITIONS</b></p> <p>[The intention is not to have a definition section but to ensure that all of the following terms are clearly defined in the body of the Constitution so that there cannot be misunderstandings.]</p> <p>"Algonquin"                  "Algonquin Citizen"                  "Algonquin Community Government"                  "Algonquin Community Land and Water"                  "Algonquin Community Membership"                  "Algonquin Culture"                  "Algonquin Grand Council"                  "Algonquin Nation"                  "Algonquin Nation Government"                  "Algonquin Nation Land and Water"                  "Algonquin Treaty"                  "Community of Algonquins"                  "Historic Collective"</p> <p style="text-align: center;"><b>ARTICLE 1 –LANGUAGE AND CULTURE</b></p> <p style="text-align: center;"><i>Official Languages</i></p> <p>1.1 Algonquin, French and English are the official languages of the Algonquin Nation.</p> <p style="text-align: center;"><i>Respect and Encouragement of Algonquin Language</i></p> <p>1.2 The Algonquin Nation Government and the Algonquin Community Governments will respect and encourage the use of the Algonquin language.</p> <p style="text-align: center;"><i>Language of Algonquin Nation Government Business</i></p> <p>1.3 The business of the Algonquin Nation Government and Algonquin Community Governments shall be conducted in English, but where the Algonquin Grand Council determines that numbers warrant, services may be delivered in the Algonquin or French languages.</p> <p style="text-align: center;"><i>Algonquin Culture</i></p> <p>1.4 The Algonquin Nation Government and the Algonquin Community Governments will respect and encourage Algonquin Culture.</p> <p style="text-align: center;"><i>Clan System of Government</i></p> <p>1.5 In traditional times, each clan had a place in Algonquin society and a designated function to serve. The clans gathered, discussed their respective roles and prerogatives and decided on</p>	<p>actions to meet the needs that arose. Consistent with the traditional clan system of governance, Algonquin government will benefit from the unique characteristics and abilities of each part of Algonquin society.</p> <p style="text-align: center;">[Further discussion required]</p> <p style="text-align: center;"><b>ARTICLE 2 – ALGONQUIN NATION CITIZENSHIP</b></p> <p style="text-align: center;"><i>Algonquin Nation Citizenship</i></p> <p>2.1 All beneficiaries of the Algonquin Treaty at the time the Algonquin Treaty is ratified shall be considered as citizens of the Algonquin Nation.</p> <p>2.2 Following the ratification of the Algonquin Treaty, the following persons are entitled to be citizens of the Algonquin Nation:</p> <p style="margin-left: 40px;">a) Beneficiaries of the Algonquin Treaty;                  b) [other criteria for citizenship being developed].</p> <p style="text-align: center;"><i>Exclusion from Algonquin Nation Citizenship</i></p> <p>2.3 A Person described in Article 2.1 is not entitled to receive the benefits or exercise the rights of Algonquin citizenship if that person self-identifies with another Nation or group of Aboriginal people and exercises aboriginal or treaty rights pursuant to that other self-identification, or receives comparable benefits under a treaty other than the Algonquin Treaty and has not waived his or her right to such benefits.</p> <p style="text-align: center;"><i>Obligations of Algonquin Nation Citizenship</i></p> <p>2.4 Algonquin citizenship imposes the obligation on all Algonquin citizens to conduct themselves, to the best of their ability, in accordance with the Seven Grandfather Teachings, which are:</p> <p style="margin-left: 40px;">a) love,                  b) respect,                  c) knowledge,                  d) bravery,                  e) truth,                  f) honesty, and                  g) humility.</p> <p style="text-align: center;"><i>Rights of Algonquin Nation Citizenship</i></p> <p>2.5 All Algonquin citizens shall have the rights that flow from the Algonquin Treaty and this Constitution, but this Constitution shall not be interpreted to affect</p>
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any rights that an Algonquin citizen may have as a citizen of Canada or elsewhere.

achieve consensus have failed, a decision may be made by a majority [TBD] of the decision-makers.

**ARTICLE 3 – COMMUNITY MEMBERSHIP**

[consider applying voting system from TOR for ANRs?]

***Authority to Determine Community Membership***

***Accountable Government***

3.1 Each Community of Algonquins has the exclusive authority to determine who is entitled to be a member of that Community and what benefits flow from membership, within the rules of Algonquin Community membership established by the Algonquin Nation Government.

4.5 All laws, policies, decisions or judgments made by an institution of the Algonquin Nation Government or an Algonquin Community Government shall be made public to all Algonquin citizens within a reasonable time of its being made or issued.

***Community Membership and Algonquin Citizenship***

***Localized Institutions***

3.2 Members of a Community may be Algonquin citizens or persons who are not Algonquin citizens. Community membership in itself does not confer the aboriginal or treaty rights of Algonquin citizenship.

4.6 In order to implement the principles of efficient government and accountable government, the Algonquin Nation Government and the Algonquin Community Governments shall take all reasonable measures to establish localized institutions for the delivery of services to Algonquin citizens, the holding of land, capital and other assets.

**ARTICLE 4 – ALGONQUIN GOVERNMENT**

**ARTICLE 5 – ALGONQUIN NATION GOVERNMENT**

***Nation and Community Government***

***Two Branches of Government***

4.1 The Government of the Algonquin Nation shall consist of:  
a) the Algonquin Nation Government, and  
b) the Algonquin Community Governments,

5.1 The Algonquin Nation Government shall have two branches:  
a) the Algonquin Nation Grand Council; and  
b) the Algonquin Judiciary.

the authority and responsibilities of which are set out in this Constitution.

***Algonquin Nation Grand Council***

***Seven Grandfather Teachings***

4.2 The Government of the Algonquin Nation shall be guided in their roles and responsibilities by the Seven Grandfather Teachings.

5.2 The legislature of the Algonquin Nation Government shall be called the Algonquin Nation Grand Council, and shall be comprised of the Community Chiefs, who shall elect from amongst themselves an Algonquin Grand Chief and a Algonquin Deputy Grand Chief.

***Efficient Government***

[Should the Grand Chief and/or Deputy Grand Chief be elected directly?]

4.3 The Government of the Algonquin Nation shall embody the traditional *Anishinabe* principle of efficient government; accordingly all institutions of Algonquin Government shall be no larger or complex than absolutely necessary.

***First Election for Algonquin Nation Grand Council***

***Decision-Making by Consensus***

4.4 In accordance with the traditions of Algonquin decision-making, all institutions of Algonquin Government shall endeavour to make decisions by consensus; however, when all reasonable efforts to

5.3 As part of the ratification of the Algonquin Agreement in Principle, an Algonquin Election Act will be approved by the Algonquin Electors. This Election Act will provide for the election of the initial Community Chiefs who shall comprise the first Algonquin Nation Grand Council.

[Transitional provisions to be considered for other aspects of Constitution?]

**Eligibility of Community Chiefs and Voters**

- 5.4 All Community Chiefs shall be:
- a) Algonquin citizens;
  - b) A member of the Community of Algonquins they represent;
  - c) at least 18 years of age; and
  - d) resident in the [Algonquin Territory][Community].

- 5.5 All voters in elections for Community Chiefs shall be:
- a) Algonquin citizens;
  - b) A member of the Community of Algonquins for which the election is held; and
  - c) at least 18 years of age.

**Authority of Algonquin Nation Grand Council**

- 5.6 The Algonquin Nation Grand Council shall have the authority and responsibility for, and to enact laws in relation to:
- a) the exercise of harvesting rights in relation to flora and fauna by Algonquin Citizens;
  - b) election procedures and standards for the elections of Community Chiefs and Councils, Heads of Families or Elders Councils;
  - c) the environmental protection of Algonquin Land and Water, air, flora, fauna and natural resources;
  - d) economic development on Algonquin Nation Land and Water;
  - e) the creation and termination of interests in Algonquin Land and Water;
  - f) the protection and promotion of the Algonquin language;
  - g) the protection and promotion of Algonquin culture;
  - h) the protection and promotion of Algonquin aboriginal rights and title;
  - i) the education of Algonquin citizens;
  - j) the establishment of institutions of governance for the delivery of government services to Algonquin Citizens;
  - k) the licensing or prohibition of businesses operating on and other activities on Algonquin Nation Land and Water;
  - l) the establishment of an Algonquin Nation Treasury Board;
  - m) the audits and financial accountability of the Algonquin Nation Government and Algonquin Community Governments;
  - n) the enforcement of Algonquin Laws, including punishments and other sanctions, preventative

measures and restorative justice measures; and

- o) any other matter relating to the rights of all Algonquin citizens or to Algonquin Nation Land and Water;
- p) [list other subject matters for Grand Council laws?].

**Elections for the Algonquin Nation Grand Council**

- 5.7 Elections for the Community Chiefs, comprising the Algonquin Nation Grand Council, shall be governed by a law to be passed by the Algonquin Nation Grand Council and to be known as the *Algonquin Nation Elections Act* which at a minimum must include:

- a) Appointment and duties of an Electoral Officer and delegation of his or her authority;
- b) Process for removal from office due to misconduct;
- c) By-elections to fill vacant positions; and
- d) [other?].

**Regular Meetings**

- 5.8 The Algonquin Nation Grand Council shall hold regular meetings not less than 6 (six) times per year.

**Annual General Meeting**

- 5.9 An annual general meeting shall be held, to which the Community Chiefs and Councils, Heads of Families or Elders Councils shall be invited. The primary purpose of the annual general meeting is the presentation of annual reports of all business and government entities of the Algonquin Nation to the Algonquin Nation as a whole.

[What other matters are dealt with at the AGM?]

**Notice of Regular Meeting or Special Assembly**

- 5.10 Notices for a regular meeting of the Algonquin Nation Grand Council, or the annual general meeting, shall be given under the signature of the Grand Council Chief at least thirty (30) days in advance of the commencement of such meeting or assembly, unless such notice is impossible due to an emergency. The agenda for every such meeting shall include an opportunity for individual Algonquin citizens to address the Algonquin Nation Grand Council.

***Right to Make Presentations***

5.11 Every Algonquin citizen shall have the right to make presentations or be heard by the Algonquin Nation Grand Council in assembly, in accordance with the agenda for the meeting, and subject to guidelines to be determined by the Algonquin Nation Grand Council.

***Traditional Ceremony***

5.12 At the commencement of each regular or special assembly of the Algonquin Nation Grand Council, the Eagle Staff, Drum and Medicine Bundle of the Algonquin Nation shall precede the members of the Algonquin Nation Grand Council into the Grand Council Hall, and a traditional ceremony shall be held to assist the Algonquin Nation Grand Council to make its decisions with integrity and in accordance with the Seven Grandfather Teachings.

***Administration of Algonquin Nation Government***

5.13 The Algonquin Nation Grand Council shall establish an administrative branch to support it in the development of laws and policies for consideration of the Grand Council and to implement the laws and policies of the Algonquin Nation.

**[Grand Council will establish committees for oversight of various matters, such as financial administration and accountability, harvesting, etc.]**

**ARTICLE 6 – ALGONQUIN JUDICIARY**

***Establishment of Algonquin Judicial Institutions***

6.1 The Algonquin Nation Government shall have the exclusive authority to establish Algonquin judicial institutions to interpret, apply and administer laws enacted by the Algonquin Nation Grand Council and the various Algonquin Community Governments including:

- a) An Algonquin Nation Court; and
- b) An Algonquin Court of Appeal.

***Procedural Guarantees***

6.2 Algonquin judicial institutions may establish rules of procedure, but these rules shall guarantee:

- a) The right of any person facing punishment or other sanction to appear at any proceedings relating to that person, to call evidence and to

make submissions in person or through counsel;

- b) The right of any person directly affected by a decision of the court to intervene to make submissions; and
- c) **[other legal rights?]**.

**ARTICLE 7 – ALGONQUIN COMMUNITY GOVERNMENTS**

***Composition of Algonquin Community Governments***

7.1 The Algonquin Community Government for each Community of the Algonquin Nation could be comprised of:

- a) the Community Chief; and
- b) the Community Councillors, Heads of Families or Elders.

**[List communities and how their governments are constituted—names could vary by community?]**

***Powers of Algonquin Community Governments***

7.2 Each Algonquin Community Government shall have the authority to enact Community laws in relation to:

- a) the environmental protection of Algonquin Community [Interest] Land;
- b) economic development on Algonquin Community [Interest] Land;
- c) the establishment of institutions of local governance for the delivery of government services to Community members or other Algonquin citizens resident in the Community or to perform other community functions for Community members or Algonquin citizens resident in the Community;
- d) the licensing or prohibition of businesses and other activities on Algonquin Community [Interest] Land;
- e) any other matter relating to the management of Algonquin Community [Interest] Land;
- f) financial accountability relating to the management of Algonquin Community Land and assets of the Community;
- g) the enforcement of Algonquin Community Laws, including penalties and other sanctions, preventative measures and restorative justice measures;
- h) the implementation of Algonquin Nation Laws; and
- i) **[list other subject matters for Community laws?]**.



**ARTICLE 8 – DISPUTE RESOLUTION**

*Principles*

8.1 Institutions of appeal, redress and dispute resolution established by the Algonquin Grand Council shall observe the Seven Grandfather Teachings and other principles set out in this Constitution.

**ARTICLE 9 – FINANCIAL ADMINISTRATION**

*Principles*

9.1 Algonquin Nation financial management and administration shall be:

- a) Prudent;
- b) Open, transparent and accountable to Algonquin citizens;
- c) Effective and efficient in the use of financial resources of the Algonquin Nation; and
- d) Fair and equitable among the Communities of Algonquins.

*Algonquin Financial Accountability*

9.2 The Algonquin Nation Grand Council shall ensure that the financial administration of the Algonquin Nation that shall, as a minimum, provide for the following:

- a) Presentation to the Algonquin Nation and Algonquin citizens of the annual audited financial statements of the Algonquin Nation Government and the Algonquin Community Governments;
- b) Presentation of annual draft financial budgets of the Algonquin Nation and the Algonquin Community Governments, including the basis on which core funding will be allocated to Communities of Algonquins and to the Algonquin Nation;
- c) Presentation of annual reports of actual and projected Algonquin Nation revenues and the total percentage of revenues being expended for government services;
- d) Presentation of an annual report regarding compliance with the principle that all institutions of Algonquin Government shall be no larger or complex than absolutely necessary;
- e) Presentation of an annual report by Algonquin Community Governments regarding localized institutions and other measures taken to comply with the principle that all institutions of Algonquin Government shall be no larger or complex than absolutely necessary;
- f) Appointment of an Algonquin Auditor General;

- g) Tendering of contracts; and
- h) Effective and timely access to financial information by Algonquin citizens.

**ARTICLE 10 – ALGONQUIN LAND AND WATER**

*Ownership of Algonquin Land and Water*

10.1 Algonquin Land and Water includes Algonquin Nation Land and Water and Algonquin Community [Interest] Land and Water.

10.2 Algonquin Land and Water may only be beneficially held by a trust, corporation or other entity that is wholly owned by the Algonquin Nation.

*Protection of Algonquin Land and Water*

10.3 Any trust or Algonquin Law pertaining to Algonquin Land and Water shall prohibit the alienation, forfeiture or escheat of the beneficial ownership of such land to anyone other than the Algonquin Nation or a trust, corporation or other entity that is wholly owned by the Algonquin Nation, other than pursuant to a referendum under Section 10.3.

10.4 The Algonquin citizens approve the alienation of a parcel of Algonquin Land and Water in a referendum in which at least 50[?] per cent of the Algonquin citizens over the age of 18 participate, and in which at least 60[?] per cent of those citizens who vote approve the alienation.

10.5 In any referendum described in Section 10.3 relating to Algonquin Community Interest Lands, the Algonquin Community in question must vote in favour of alienating the land.

10.6 [Land exchange/replacement clause in Constitution and treaty– equal in amount/quality?]

10.7 [Regional approval for alienation of Nation Lands?]

*Land for Investment or Commercial Purposes*

10.8 Nothing in this Article shall preclude the Algonquin Nation and entities wholly owned by it from acquiring and disposing of land that is designated in the Algonquin Treaty as land for investment or commercial purposes, or that may be acquired after the Algonquin Treaty takes effect, where it is so designated by the Algonquin Nation Grand Council.

**ARTICLE 11 – MANAGEMENT OF ALGONQUIN COMMUNITY [INTEREST] LAND AND WATER**

***Management of Algonquin Community [Interest] Land and Water***

11.1 Algonquin Community [Interest] Land and Water may only be managed by the appropriate Algonquin Community Government or a corporation or other entity that is wholly owned by that Government.

11.2 **[Land exchange/replacement clause in Constitution and treaty – equal in amount/quality?]**

***Land for Investment or Commercial Purposes***

11.3 Nothing in this Article shall preclude a Community of the Algonquin Nation and entities wholly owned by such a Community from acquiring and disposing of land that is designated in the Algonquin Treaty as that Community's land for investment or commercial purposes, or that may be acquired by that Community after the Algonquin Treaty takes effect, where it is so designated by the Community Government of that Community.

**ARTICLE 12 – CONSTITUTIONAL AMENDMENT**

***Referendum***

12.1 Subject to section 12.2, this Constitution shall be amended only in accordance with a referendum in which at least 25[?] per cent of the Algonquin citizens over the age of 18 participate, and in which at least 50[?] per cent of those citizens who vote approve the amendment.

***Special Majority***

12.2 Amendments on the following subjects shall be in accordance with a referendum in which at least 50[?] per cent of the Algonquin citizens over the age of 18 participate, and in which at least 75[?] per cent of those citizens who vote approve the amendment:

- a) the addition of a Community or the amalgamation of two or more Communities, with the consent of those Communities;
- b) alteration of citizenship criteria;
- c) composition of Algonquin Nation Grand Council;
- d) the allocation of Algonquin Land and Water as between Algonquin Nation

Land and Algonquin Community Interest Land;

- e) **[are there other major amendments that would require a higher voting majority?]**

**ARTICLE 13 – OTHER ALGONQUINS**

***Application of Algonquin Constitution***

13.1 This Constitution does not affect the rights of any Algonquins other than the citizens of the Algonquin Nation.

***Reunification of Algonquins***

13.2 The Algonquin Nation is committed to the reunification of the greater Algonquin Nation within a broader federation, and to such political and other processes that may make such reunification possible.