

Nipissing Gichi-Naaknigewin Constitution

Frequently Asked Questions (FAQ)

Q 1. What is a constitution?

A 1. A constitution is a set of fundamental guidelines that helps to establish and maintain a community in a way that is good for seven generations.

Q 2. What is the purpose of a constitution?

A 2. For established communities, a constitution serves to act as a way of maintaining peace and order; equality; and to ensure the rights and representation of the people.

Q 3. What will a constitution do for me?

A 3. It will protect your rights as a member of Nipissing First Nation and provide you with a secure atmosphere for you to live and work in, knowing that you will not be abused or denied any benefits.

Q 4. Do other First Nation communities have constitutions?

A 4. Yes, there are First Nations in Canada that do have their own constitutions such as Westbank First Nation. There are no First Nation communities within the Union of Ontario Indians territory that currently have constitutions. The only document that contains fundamental guidelines that affects everyday life for these First Nation communities and members is the Indian Act.

Q 5. How did the Indian Act come to be?

A 5. The Indian Act was developed without Anishinabek participation by another government and imposed on our communities in 1876. First Nation communities are funded through this system and required to meet the needs of the people. This system is a product of the assimilation strategy of the federal government.

Q 6. What did we have before the Indian Act?

A 6. Prior to the Indian Act, our ancestors followed our own forms of government that were respectful of the living order of life. As opposed to man-made laws, this way of governing was referred to as the natural law. The natural law of the clan system was the way in which we governed our nations and our people.

Q 7. What are some issues that a constitution would deal with?

A 7. In working to establish, empower and regulate a community, some of the basic issues that would be dealt with are the body and purpose of governing; membership; selection of leaders; accountability; right of appeal; authority; voting; and referendum.

Q 8. Why does Nipissing First Nation need a constitution?

A 8. Since 1970, Nipissing First Nation has been taking over control of many programs and gradually moving away from the Indian Act and towards self government. A constitution will put guidelines into place to establish and maintain our community as we go forward.

Q 9. What effect will a constitution have on economic development for Nipissing First Nation?

A 9. A constitution will give investors confidence in Nipissing First Nation, knowing that their investments will be protected. It is a necessary requirement for the financial development of Nipissing First Nation.

Q 10. What will a constitution do for non-band members residing on Nipissing land?

A 10. It will provide security and fairness for non-band members to live in harmony in the Nipissing First Nation community. These individuals have a lot to contribute to the financial welfare of Nipissing First Nation, as well as providing their expertise and experiences which is beneficial to the growth of Nipissing First Nation.

Q 11. How will the constitution protect the residents against denied benefits or justice if we are not satisfied with our situation?

A 11. The constitution will provide residents with an appeal process by an independent body sitting outside of the administration or political arena. They will hear the evidence or grievances. Upon completion of their investigation, they will render judgment based solely upon the evidence presented.

Q 12. What other options do we have?

A 12. To participate in the Restoration of Jurisdiction Project (ROJ); offer input to help the Gichi-naaknigewin committee and leadership make informed decisions; and/or to provide feedback on the development of the Nipissing gichi-naaknigewin.

Q 13. What is the relationship between the Anishinabek Nation and First Nation constitutions and the Canadian Constitution, the Constitution Act, 1982?

A 13. The relationship between the three constitutions can peacefully co-exist.

There is an argument to be made that First Nation constitutions are an expression of a right pursuant to section 35 of the Canadian Constitution. Therefore, the First Nation constitutions are representative of a “third order of government” (federal, provincial and First Nations). They are parallel and each is equal in authority in their respective areas of jurisdiction.

We argue and assert that, as an element of our inherent right of self-government (and as one of the rights protected at section 35(1) of the Constitution Act, 1982), we have a right to have our own constitutions and that this right is part of a more fundamental right of self-government or self-determination. Entering into treaties did not mean Nipissing First Nation gave up any rights to govern themselves and, having said this, also does not mean that Canada or Ontario would necessarily agree with the laws we may enact pursuant to our constitutions.

Further Questions to add:

* With the number of questions, it is recommended to divide the FAQ into sections: general, effects on members, effects on NFN, effects on other documents, future codes etc.

Does the constitution give Chief and Council authority to create laws? And if so, how will these laws be passed? (democratic majority)

Is Gichi-Naaknigewin dismissing the clan system?

What is our traditional territory?

How will Anishnaabemwin fit in the Nipissing First Nation constitution?

As the constitution allows Nipissing First Nation to determine who is a member, what would the future membership code consist of?

What are the languages of Nipissing First Nation?

Where do Nipissing traditional teachings fit into the Gichi-Naaknigewin?

If Chief and Council chose to do so, does this constitution give the power to expel someone from membership and Nipissing First Nation land?

How does this constitution change the band election code?