



Magnetawan First Nation
Gichi-Naaknigewin

FINAL DRAFT



Magnetawan Gichi-Naaknigewin

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Magnetawan Gichi-Naaknigewin

Preamble

We are the Magnetawan Atik Anishnaabe.

We are the indigenous peoples of the Magnetawan River Watershed and surrounding area.

We are descendants of the original peoples on this land and we identify our citizenship.

We are not a creation of the Government of Canada or its *Indian Act*.

We are a treaty nation with several treaties in a treaty relationship with the Crown.

We have lived on and exercised jurisdiction within the Magnetawan River Watershed and surrounding area for thousands of years.

We also have traditional territory including on Manitoulin Island and elsewhere on Georgian Bay.

In the nineteenth century our head Chief Councillor was known as Paimauquineshcum. Paimauquineshcum is a spirit name for one who flies throughout the territory as guardian of the people, lands and resources. Chief Paimauquineshcum was an important leader of the Reindeer or Caribou clan, and was influential throughout Anishinaabe territories on both sides of what is now the Canadian – US border.

The Vidal-Anderson Report of 1849 identifies Magnetawan's territories extending from the southeast shore at the mouth of the French River down the coast of Georgian Bay to Head Island at the mouth of the Magnetawan River. The Report also identifies Magnetawan territories as extending three days travel, or about one hundred kilometres, back into the interior. Along with Head Island, Magnetawan occupied many other islands in northeastern Georgian Bay as fishing stations, and for berry picking and other purposes. The caribou clan was very widespread in the northeastern lake Huron region, as well as among the Ojibway-speakers who had moved into southern Ontario in the later seventeenth century.

The name recorded in the historical record for clan contains the root word *atik*, or caribou in our language. Chief Paimauquineshcum was born about 1801 and lived well into his seventies. He signed not only the 1836 Bond-Head Treaty, but the Robinson-Huron Treaty of 1850 and the Manitoulin Island Treaty of 1862.

In 1836, at the invitation of Lieutenant Governor of Upper Canada (Ontario), Sir Francis Bond Head, Chief Paimauquineshcum moved to Manitoulin Island for at least part of every year, along with most of his band members.



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- Chief Paimauquinescum signed the Robinson Huron Treaty in 1850 on behalf of the Magnetawan First Nation
- He Withheld lands on the Magnetawan River from the Treaty to be aboriginal title Lands, for his people for all time.
- Crown Surveyor Dennis surveyed Chief Paimauquinescum's Reserve (No 1 in the Robinson Huron Reserve List) on the Magnetawan River in late July of 1853
- Chief pointed out part of the bay west of the mouth of the river he wanted included in the Reserve, because it covered "certain planting grounds formerly occupied".

Our oral traditions and history tell us of the time of the great flood, and that Ojibway lands were among the first lands to emerge after the waters receded. This of course, is consistent with the geological history of the area, as the Canadian Shield includes the highest elevations in the Province of Ontario. We are accordingly mentioned by name in the earliest records of the Europeans who first ventured into the vicinity of Lake Huron in the 1600's.

Magnetawan First Nation is the Indigenous nation that interacts with the Government of Canada through Canada's *Indian Act* legislation and colonial policy structures. Ironically, this level of recognition by the Crown was actually subsequent to the creation of the Canadian state, even though we have been here since time immemorial. The Magnetawan First Nation is an Indigenous Nation in this territory and is currently comprised of the citizens who are Indians under the *Indian Act* of Canada.

This Magnetawan Gichi-Naaknigewin includes the rights, responsibilities and freedoms of First Nation's Citizens, its government and its governing institutions in relation to the jurisdictions set out in this Gichi-Naaknigewin as confirmed by the ratification by its Citizens.

United Nations Declaration on Rights of Indigenous Peoples (UNDRIP)

The Minister of Indigenous and Northern Affairs Canada, the Hon. Carolyn Bennett announced May 10, 2016 at the United Nations Headquarters in New York City, N.Y., that Canada has officially removed its objector status and now a full supporter of the United Nation's Declaration on Rights of Indigenous People, without qualification.

The United Nation Declaration recognizes Indigenous People's basic human rights, as well as right's to self-determination, language, equality, land and helps to ensure our survival, dignity and well-being.

The United Nations Declaration on the Rights of Indigenous Peoples, more importantly, affirms a right to Free, Prior and Informed Consent with regards to any development on our



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Treaty Lands, that will provide a new roadmap for interactions between nations and indigenous peoples.

Declaration of the Anishinabek Nation

The Magnetawan First Nation supports and affirms the Declaration of the Anishinabek Nation.

We are Indigenous Nations. We have always been Indigenous Nations.

We have voluntarily entered into a relationship of friendship and protection with the Crown, which we have for two centuries referred to as the Covenant Chain. In placing ourselves under the Crown's protection, we gave up none of our internal sovereignty.

We have never concluded any Treaty with the Dominion of Canada, nor have we ever expressly agreed to accept the Dominion of Canada in place of Great Britain as the party responsible under the British obligation to protect us.

We retain the right to choose our own forms of Government.

We retain the right to determine who our citizens are.

We retain the right to control our lands, water and resources.

We retain our rights to those lands which we have not surrendered.

We retain the use of our languages and to practice our religions and to maintain and defend all aspects of our culture.

We retain those rights which we have in Treaties with other Nations, until such time as those Treaties are ended.

We retain the right to choose our own future, as peoples.

The only process known to international law whereby an independent people may yield their sovereignty is either by defeat in war or by voluntary abandonment of it formally evidenced. Our Nations have never yielded our sovereignty by any formal abandonment of it. We have never been conquered in war by any power on earth of which there is a record or tradition.

This Gichi-Naaknigewin (Constitution - **What governs us) shall guide, protect**



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and uphold the values of unity, justice, equality, accountability and good governance while preserving the road to prosperity for all Citizens.

Part 1 - Supreme Law

1.1 This Magnetawan First Nation Gichi-Naaknigewin is the Supreme Law of Magnetawan First Nation.

Part 2 - Title "Magnetawan Gichi-Naaknigewin"

2.1 This document shall be cited as the Gichi-Naaknigewin of Magnetawan First Nation.

Part 3 - Definitions

3.1 In this Gichi-Naaknigewin:

- a) "Citizen" means to the people of Magnetawan First Nation. The people who are recognized as Indigenous people and being registered members of Magnetawan Indian Reserve No. 1, as referred to in the Robinson-Huron Treaty of 1850.
- b) "Council" means the executive decision making body, made up of two councillors of Magnetawan First Nation elected in accordance with the Indian Act voting regulations, or any Custom Election Law that replaces those regulations.
- c) "Elected Officials" means the Chief and Councillors of Magnetawan First Nation.
- d) "Eligible Voter" means a Citizen of the Magnetawan First Nation who qualify as an "Eligible Voter" as defined in the Indian Act voting regulations or any Custom Election Law that replaces those regulations.
- e) "First Nation Laws" means any law created by Magnetawan First Nation in accordance with Magnetawan first Nation Land Code.
- f) "Chief" means the person elected as the Chief of Magnetawan First Nation in accordance with the Indian Act voting regulations or any Custom Election Law that replaces those regulations.



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- g) "Public Institution" and "Legal Entity" means a board, commission, tribunal, committee, corporation, authority established by the Magnetawan First Nation Council.

Part 4 - Purpose

- 4.1 The purpose of the Magnetawan Gichi-Naaknigewin is to set out:
- a) the requirements for a Citizenship Law to determine who the citizens of Magnetawan First Nation are as a people,
 - b) the fundamental principles, rules and structures by which Magnetawan First Nation will exercise its law-making authority,
 - c) the relationship between Magnetawan First Nation governing structures and its Citizens,
 - d) the civil and political rights of the Citizens of Magnetawan First Nation and,
 - e) the accountability of the leadership to its Citizens.

Part 5 - Official Language of Magnetawan First Nation

- 5.1 Our Language is Anishinaabemwin and English is a secondary language.

Part 6 - Magnetawan Citizen Rights and Freedoms

- 6.1 As a First Nation of Turtle Island (North America), we the Citizens of Magnetawan First Nation declare our pursuit of fairness and justice for all Citizens.
- 6.2 Every Citizen of Magnetawan First Nation is equal before and under the laws of Magnetawan First Nation, without discrimination.
- 6.3 Rights and freedoms under this Gichi-Naaknigewin are for Citizens of Magnetawan First Nation.
- 6.4 Non-Citizen residents of Magnetawan First Nation, enjoy the privileges extended by Magnetawan First Nation.
- 6.5 Every Citizen of the First Nation has the right to exercise the following freedoms:



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- a) to practice our aboriginal 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 Anishinaabe;
- d) to live in a manner that is in keeping with our aboriginal traditions;
- e) to participate in the selection of Magnetawan First Nation leadership;
- f) to participate in the public decision-making processes set out in the Gichi-Naaknigewin and First Nation law; and,
- g) to fair and equal access to programs and services, subject only to the regulatory regime that may be applicable.

Part 7 - Magnetawan First Nation Value and Beliefs

7.1 The Citizens of Magnetawan First Nation value and believe that:

- a) every Citizen of Magnetawan First Nation is important and has rights of well-being;
- b) the survival and social well-being of its Citizens is dependent on the "value of unity" which includes positive long term relationships and affiliations with the broader Anishinabek Nation;
- c) effective government is based on fair treatment, transparency and accountability to all Citizens; and,
- d) protecting our inherent right to harvest the gifts of the Creator in a sustainable manner is essential.

Part 8 - Preservation of Core Social values

8.1 Magnetawan First Nation is committed to:

- a) the continuance of family unity;



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- b) the protection of the value of freedom and spirituality; and
- c) the principles of sustainability and conservation of our natural resources for future generations, balanced with interests of pursuing economic development advancement.

Part 9 - Magnetawan First Nation Citizens

- 9.1 Magnetawan First Nation has exclusive authority and jurisdiction to make laws for determining Citizens.
- 9.2 Magnetawan First Nation Citizenship Law will set out the eligibility requirements for the determination of Magnetawan First Nation Citizenship, including the mechanism for reviewing Citizenship decisions.
- 9.3 Magnetawan First Nation Citizenship Law will not remove any Citizens from the Citizenship (Band) list whose names appear on the Magnetawan First Nation Band list on the date that the Citizenship Law first takes effect.

Part 10 - Magnetawan First Nation Leadership Selection

- 10.1 Chief and Councillors shall be democratically elected by the Citizens of Magnetawan First Nation at regular elections in accordance with the Indian Act voting regulations, or any Custom Election Law that replaces those regulations.

Part 11 - Authority having Jurisdiction, Composition, Governance and Law Making

- 11.1 There shall be one elected Chief of Magnetawan First Nation
- 11.2 **There shall be one elected Council for Magnetawan First Nation with (two) or (four) members. Please provide comments whether "you wish to have 2 councillors or 4."**
- 11.3 All law-making powers herein granted shall be vested in Chief and Council of Magnetawan First Nation.
- 11.4 Magnetawan First Nation Chief and Council are empowered to make laws and regulations and establish policies and procedures for Magnetawan First Nation that are consistent with this Gichi-Naaknigewin.



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- 11.5 Magnetawan First Nation Chief and Council are empowered to make laws on the rights and freedom of its Citizens and privileges of other residents of Magnetawan First Nation.
- 11.6 Chief and Council shall conduct all affairs in accordance with the First Nation laws of governance, transparency and be accountable to the Citizenship of Magnetawan First Nation.
- 11.7 Magnetawan First Nation has the inherent right of self governance, self determination and may pass laws with respect to the following matters, including:
- a) our governance structures including the selection and conduct of leadership and the delegation of jurisdiction or authority;
 - b) how we express and implement our inherent right of self-government;
 - c) the conservation and maintenance of our land, water, air and other natural resources;
 - d) education;
 - e) sustainable economic development;
 - f) social services including child welfare, guardianship and adoption;
 - g) administration of justice;
 - h) health;
 - i) lands and resource management;
 - j) labour relations;
 - k) employment and training;
 - l) matrimonial and real property;
 - m) public works and infrastructure;
 - n) wills and estates;
 - o) emergency preparedness;
 - p) taxation;
 - q) environment protection and assessment; and,
 - r) other areas approved by the Magnetawan First Nation Citizens.
- 11.8 A draft law may be introduced at a regular meeting of the Magnetawan First Nation Chief and Council:
- a) by the Chief;
 - b) by a Councillor;



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c) by a duly formed and recognized Public Institution.

- 11.9 Magnetawan First Nation Chief and Council will establish rules to allow citizenship participation and consultation in its law-making process.
- 11.10 Magnetawan First Nation Chief and Council shall establish rules regarding the process and timelines for the enactment, coming into force, and publication of the Magnetawan First Nation laws.
- 11.11 Magnetawan First Nation Chief and Council may delegate its jurisdiction or authority or part thereof, in writing, to a legal entity established in a manner consistent with Magnetawan First Nation Laws.

Part 12- Enforcement and Compliance of Magnetawan First Nation Laws

- 12.1 Magnetawan First Nation Laws will include enforcement provisions appropriate to the subject matter and the nature of the law.
- 12.2 Citizens of Magnetawan First Nation and all others who enter the traditional lands of Magnetawan First Nation shall be obligated to abide by and respect the Magnetawan First Nation Gichi-Naaknigewin and the laws emanating from this Gichi-Naaknigewin.
- 12.3 Magnetawan First Nation Chief and Council may exercise any right, power, privilege, jurisdiction or authority, and may carry out any duty function or obligation, of Magnetawan First Nation set out in this Gichi-Naaknigewin including the enforcement of Magnetawan First Nation laws.

Part 13 - Financial Management & Accountability

- 13.1 Magnetawan First Nation Citizenship have the right to access information on the financial management and administration of all Magnetawan First Nation's services and programs.
- 13.2 Magnetawan First Nation shall abide by its laws and policies governing transparency, sound financial management and accountability practices.
- 13.3 Magnetawan First Nation shall make laws to establish a system of financial administration, through which the Council will be financially accountable to First



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Nation Citizens, and that includes standards comparable to those generally accepted for governments in Canada.

Part 14 - Meetings and Decision-making Procedures

- 14.1 The Magnetawan First Nation Chief and Council shall conduct business affairs on behalf of its Citizens at regular publicized open meetings, in-camera (closed) meetings and not less than one (1) meeting per month.
- 14.2 Chief and Council shall be authorized to organize and conduct special meetings as required.
- 14.3 Decisions of Chief and Council shall be made by a democratic majority and recorded as motions or Band Council Resolutions.
- 14.4 Quorum of Council for the conduct of all meetings shall be a majority of those currently in office.
- 14.5 The Magnetawan First Nation laws governing Council meetings shall guide specific activities and responsibilities for the preparation and conduct of meetings.

Part 15 - Magnetawan First Nation Lands, Environment & Natural Resources

- 15.1 Magnetawan First Nation has traditional territory, including treaty lands set aside in;
 - a) Bond Head Treaty 1836
 - b) Robinson-Huron Treaty of 1850
 - c) Manitoulin Island Treaty of 1862and any other land titles that may be gained in the future for the benefit of its Citizens.
- 15.2 Magnetawan First Nation has authority and jurisdiction to make laws with respect to environmental protection of natural resources.
 - a) These laws shall be in accordance with Magnetawan First Nation cultural practises designed to sustain and maintain our lands, fish, forest, wildlife, water, air and our heritage for future generations.

Part 16 - Establishment of Public Institutions



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- 16.1. Magnetawan First Nation may establish public institutions, in accordance with its laws, to perform functions of its government, as determined by the Chief and Council.
- 16.2 These institutions may be any required agencies, boards, committees and other governmental institutions such as;
- a) economic development corporations,
 - b) lands/housing authorities
 - c) joint /partner venture corporation

Part 17 – Continuing Application of Current Laws

- 17.1 For greater certainty, all laws currently applicable and governing Magnetawan First Nation shall continue in force until displaced by Magnetawan First Nation Laws.

Part 18 - Referendums

- 18.1 The Magnetawan First Nation Citizenship shall have the right to take part in major decisions that relate to this Gichi-Naaknigewin and Magnetawan First Nation lands.
- 18.2 The Magnetawan First Nation Chief & Council shall inform it's Citizenship on significant matters that deal with:
- a) any land tenure matters,
 - b) accommodation, negotiation and compensation pertaining to Magnetawan First Nation lands,
 - c) legal actions that affect Aboriginal & Treaty Rights,
 - d) any matters contrary to the core values set out in this Gichi-Naaknigewin.

Part 19 - Appeals and Redress

- 19.1 Magnetawan First Nation shall establish appeal procedures for its Citizens to appeal legislative or administrative decisions of the First Nation and the administrative decisions of its public institutions.



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- 19.2 Magnetawan First Nation shall maintain and protect the right of its Citizens to be heard at regular or special meetings of Chief and Council.
- 19.3 Magnetawan First Nation may pass laws or establish programs and services to support its Citizens in seeking justice and redress under Magnetawan First Nation's Laws.

Part 20 - Ratification and Amendment of the Magnetawan Gichi-Naaknigewin

- 20.1 This Gichi-Naaknigewin was ratified by the Citizenship of Magnetawan First Nation in accordance with the ratification process selected and approved by Chief and Council.
- 20.2 Amendments to this Gichi-Naaknigewin must comply with the principles and values set out in this Gichi-Naaknigewin.
- 20.3 This Gichi-Naaknigewin may be amended if each of the following steps are completed:
- 1) A Magnetawan First Nation Council Resolution is passed by Chief and Council proposing an amendment or amendments to the Gichi-Naaknigewin.
 - 2) The proposed Gichi-Naaknigewin amendment or amendments is presented to the Magnetawan First Nation Citizenship at a duly organized public meeting.
 - 3) Following this meeting, the Chief and Council authorize the Chief Electoral Officer to hold a referendum vote in compliance to the Magnetawan First Nation's referendum regulations. This vote will happen within three (3) months after the public meeting referred to in paragraph 2 above;
 - 4) If at least sixty percent of those ballots cast in the referendum approve of the proposed amendment(s), the Council shall then make the proposed amendments to the Gichi-Naaknigewin.
- 20.4 The Magnetawan First Nation Council may by resolution amend this Gichi-Naaknigewin at any time in the future, changing the existing name of Magnetawan First Nation to a new name such as, from English to Anishinabemwin.



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Part 21 - Enactment Clause

21.1 This Gichi-Naaknigewin is hereby adopted by a referendum vote of the Citizenship of the Magnetawan First Nation on the _____ day of _____ in the year _____ and verified by the Chief Electoral Officer.

Signed into Law on Behalf of the Magnetawan First Nation
Citizenship this _____ day of _____ in the year

.

Chief & Council Signatures

Chief _____

Deputy Chief _____

Councillor _____