

Wiikwemkoong
UNCEDED TERRITORY



GCHI-NAAKNIGEWIN



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Wiikwemkoong Gchi-Naaknigewin

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PREAMBLE

We are Wiikwemkoong Anishinaabek. Our home is Odawa Mnis and surrounding islands. Our lands are Unceded.

We have retained these lands for our future generations so that they can continue to be Anishinaabe. We have not relinquished any of our rights to any of the lands in the Great Lakes Basin to any nation. We continue to govern the waters, airs, and lands including Islands, as our ancestors have since time immemorial.

The Wiikwemkoong Gchi-Naaknigewin will ensure the protection of our Rights, both as individuals and as a collective.

1.0 Anishinabeadziwin

- 1.1 Protect the Anishinaabe way of thinking
- 1.2 Right to protect our language, our culture is our language
- 1.3 The Anishinabek of Wiikwemkoong Unceded Territory, together and through its Chief and Council, shall honour and abide by our Anishinabeadziwin through the values of our Seven Grandfather teachings of Respect, Humility, Truth, Bravery, Love, Wisdom, and Honesty and with the common good.

2.0 Supreme Law

- 2.1 The Wiikwemkoong Gchi-Naaknigewin is our Supreme Law and all laws are subordinate to the Wiikwemkoong Gchi-Naaknigewin.
- 2.2 All Wiikwemkoong laws, regulations, resolutions, motions, policies and procedures, and rules shall be consistent with the Wiikwemkoong Gchi-Naaknigewin.
- 2.3 If there is a conflict or inconsistency between the Wiikwemkoong Gchi-Naaknigewin and other Wiikwemkoong laws, regulations, resolutions, motions, policies and rules, the Wiikwemkoong Gchi-Naaknigewin will prevail to the extent of the conflict or inconsistency.

3.0 The Wiikwemkoong Chief and Council

- 3.1 We hereby establish a government, to be known as the Wiikwemkoong Chief and Council. These elected officials, our government, get their authority from the Wiikwemkoong Anishinaabek.
- 3.2 Chief and Council must exercise good governance for Wiikwemkoong Anishinaabek collective rights, powers, privileges, jurisdiction and authority and work to:
 - 3.2.1 Ensure the protection of our Inherent, Aboriginal and Treaty Rights; 3.2.2 Provide structures and establish policies for fair and timely program and service delivery;
 - 3.2.3 Monitor, evaluate and enhance the services for its Wiikwemkoong Anishinaabek;
 - 3.2.4 Maintain and ensure the Wiikwemkoong Gchi-Naaknigewin is adhered to and upheld.
- 3.3 The duties, authorities and responsibilities of Chief and Council are set out below.

- 3.3.1 Chief and Council shall represent the interests of Wiikwemkoong Unceded Territory as set out in section 4.0 *Jurisdiction and Authority*.
- 3.3.2 Chief and Council have the authority, as vested by its membership, to approve laws regarding the rights, titles, property, interests and affairs of Wiikwemkoong and in relation to Wiikwemkoong Anishinaabek.
- 3.3.3 Chief and Council, collectively, shall have the legal capacity, rights, powers and privileges of a Natural Person.
- 3.3.4 Chief and Council shall fulfill their duties and responsibilities in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong laws.
- 3.4 In its activities Chief and Council shall:
- 3.4.1 Establish a yearly budget to address programs and services through the direction, priorities and mandates;
- 3.4.2 Develop the capacity of Wiikwemkoong Unceded Territory by means of education, training and employment of Wiikwemkoong Anishinaabek; and
- 3.4.3 Consult the Wiikwemkoong Anishinaabek in community*-planning on annual basis.

4.0 Jurisdiction and Authority

- 4.1 Chief and Council may exercise any right, power or privilege, and may carry out any duty, function or obligation, in accordance with the Wiikwemkoong Gchi-Naaknigewin, including but not limited to:
- 4.1.1.1 Making any law or a decision in relation to:
- a. The protection and management of the land, air, water, lake beds, and all resources;
 - b. The exercise and protection of the Wiikwemkoong Anishinaabek rights, freedoms and liberties;
 - c. The promotion of language, social, cultural, educational, political and economic growth;
 - d. Ensuring that the ownership of Wiikwemkoong Unceded Territory lands and territories remain with the Wiikwemkoong Anishinaabek;
- 4.1.2 Upholding Anishinabeadziwin and education of the Wiikwemkoong Anishinaabek;
- 4.1.3 Upholding the spiritual and physical health of the Wiikwemkoong Anishinaabek;
- 4.1.4 Ensuring the Wiikwemkoong Anishinaabek meet their obligations under the Wiikwemkoong Gchi-Naaknigewin;
- 4.1.5 Upholding good communications among the Wiikwemkoong Anishinaabek and our governing institutions;
- 4.1.6 Developing mechanisms and procedures for appealing the application of legislation, challenging laws and appealing administration decisions;
- 4.1.7 Adopting any federal or provincial law as required by the Chief and Council;
- 4.1.8 Passing a Resolution proposing an amendment to the Wiikwemkoong Gchi-Naaknigewin as set out in section 18.0 Amendment of the Wiikwemkoong Gchi-Naaknigewin; and,
- 4.1.9 Passing a Resolution proposing a question to be put to Eligible Voters in a referendum.

5.0 Law-Making Process

5.1 A draft law may be introduced at meeting of Chief and Council:

5.1.1 By the Chief; or

5.1.2 By a Councillor; or

5.1.3 By a written formal application signed by 125 Eligible Voters who are 18 years old or older and who support the proposed draft law;

By providing a written draft law to the Council.

5.2 Chief and Council must establish appropriate procedures in respect of informing its Wiikwemkoong Anishinaabek of draft laws and in respect of the receipt of comments from those Wiikwemkoong Anishinaabek on the draft laws.

5.3 A new draft law or a draft law presented before an election cannot be presented at a Chief and Council meeting until three months after the Chief and Council is elected into office. This gives newly elected Chief and Council time to settle in and become familiar with their positions.

5.4 Laws are enacted by the Chief and Council when:

5.4.1 The draft law has been introduced in accordance with section 5.1 and considered by Chief and Council;

5.4.2 the law has been passed by Chief and Council in accordance with its Rules, but those Rules must require at least three public readings of the draft law at least one month apart and at least 50% plus 1 of the Council who vote on the draft law vote in favour of the draft law; and

5.4.3 The draft law has been signed by Chief and Council.

5.5 All Council must sign all laws that have been passed in accordance with section 5.4.

5.6 Chief and Council must make a law under establishing:

5.6.1 A public registry of Wiikwemkoong laws that will be maintained in the English language and, at the discretion of Chief and Council, in the Anishinabe language; and

5.6.2 Additional procedures for the enactment, coming into force, and publication of Wiikwemkoong laws.

5.7 A copy of a Wiikwemkoong law deposited at the public registry and signed by the appropriate official is conclusive evidence of that law.

6.0 Enforcement of Wiikwemkoong Laws

6.1 Wiikwemkoong laws will include enforcement provisions appropriate to the subject matter and nature of the law and may include sanctions such as banishment from Wiikwemkoong Unceded Territory. The Wiikwemkoong Gchi-Naaknigewin will allow enforcement of these laws by Police and by Chief and Council.

7.0 Governance

- 7.1 Chief and Council may establish boards, committees or other entities, in accordance with its laws, to perform only those functions identified by Chief and Council.
- 7.2 Chief and Council may delegate its authority or part of it by a Resolution, in writing, to its' boards, committees, or other entities in a manner consistent with Wiikwemkoong laws. The board, committee or other entity receiving a delegation of authority will remain accountable to Chief and Council for all that it does.
- 7.3 Chief and Council will remain accountable to its Wiikwemkoong Anishinaabek for the exercise of the authority it delegates.
- 7.4 Chief and Council may withdraw any delegation of authority from a board, committee, or other entity or may dissolve a board, committee or other entity in a manner consistent with Wiikwemkoong laws.

8.0 Review and Appeal of Administrative Decisions

- 8.1 Chief and Council must provide procedures for the appeal or the review of administrative decisions of Chief and Council and its boards, committees or other entities.

9.0 Review and Challenging Laws

- 9.1 Chief and Council must establish appropriate procedures for challenging or appealing any existing or draft law.

10.0 Accountability

- 10.1 Chief and Council is accountable to its Wiikwemkoong Anishinaabek for their conduct, decision making and the financial administration of Wiikwemkoong Unceded Territory.
- 10.2 All proceedings of Chief and Council shall be open, except when a personnel or personal matter or for other confidential matters concerning Wiikwemkoong laws, regulations, policies and procedures, and rules, which, shall be addressed in camera, in which case a motion shall be made.
- 10.3 The financial books, accounts, and records such of Wiikwemkoong shall be audited at least once per fiscal year by a chartered public accountant. Chief and Council shall convene after the audit to discuss and decide whether to approve the annual financial audit.
- 10.4 Chief and Council shall convene a meeting open to Wiikwemkoong Anishinaabek, not less than once every 3 months, to provide an opportunity for Wiikwemkoong Anishinaabek to be informed about and to discuss Wiikwemkoong's financial matters, its conduct or decisions.

11.0 Conflict of Interest

- 11.1 Wiikwemkoong, by its Chief and Council, shall maintain its conflict of interest policy until a law on conflict of interest has been passed by Chief and Council.

12.0 Equal Protection and Benefit of Law

- 12.1 Every Wiikwemkoong Anishinaabek is equal before and under Wiikwemkoong laws, without discrimination.

13.0 Rights of Wiikwemkoong Unceded Territory Wiikwemkoong Anishinaabek

- 13.1 Every Wiikwemkoong Anishinaabek has:

- 13.1.1 A right to vote in accordance with Wiikwemkoong's election law or until it passes its election law; in accordance with the Indian Act;
- 13.1.2 A right to participate in the decision-making processes set out in the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong Laws;
- 13.1.3 A right to apply for programs and services offered by Wiikwemkoong;
- 13.1.4 A right to be served by the administration, boards, committees, and other entities of Wiikwemkoong in a manner that is free from discrimination or arbitrary decision and that otherwise is in accordance with Wiikwemkoong's laws;
- 13.1.5 A right to practice her/his Aboriginal Rights;
- 13.1.6 A right to practice her/his Spirituality;
- 13.1.7 Protection of her/his Human Rights; and
- 13.1.8 A right not to have their personal possessions taken for public use without just cause and compensation.
- 13.2 A Wiikwemkoong Anishinaabek who believes that any right under section 13.1 has been violated may seek remedy by petition to Chief and Council under the process established for such petition under Wiikwemkoong laws.
- 13.3 Every Wiikwemkoong Anishinaabek has the responsibility to uphold the laws of Wiikwemkoong.

Privileges of Non-Band Members

- 13.4 The Non-Band Member(s) residing on the Wiikwemkoong Unceded Territory shall:
- 13.4.1 Have the privilege to participate with the Wiikwemkoong Anishinaabek in their culture or customs;
- 13.4.2 Respect and adhere to Wiikwemkoong laws; and,
- 13.4.3 Not interfere in the affairs or community decision-making of Wiikwemkoong.

14.0 Elders Council

- 14.1 The Chief and Council shall establish an Elders council that is representative of Wiikwemkoong Unceded Territory for guidance and input.
- 14.2 The Elders Council Appointment will coincide with Chief and Council term of office.
- 14.3 The Chief and Council shall establish an Elders Council to provide guidance and input on matters of the Chief and Council.
- 14.4 The Elders Council shall verify the qualifications of those seeking election to the Justice Council.

15.0 The Justice Council

- 15.1 The Justice Council shall be elected by Wiikwemkoong Anishinaabek and the Justice Council will be recognized by Chief and Council. The Justice Council shall consist of a minimum of 5 and maximum of 8 persons whom are at least 18 years of age. The persons appointed to the Justice Council shall act in a manner consistent with the Wiikwemkoong Gchi-Naaknigewin and act with honesty, fairness, high moral standards, compassion, and good working habits.
- 15.2 The term of office of a Justice Council member shall be fixed at 3 years and shall be staggered so that not all of the members of the Justice Council are replaced at the same time.
- 15.3 The Justice Council shall be the independent judicial authority of Wiikwemkoong Unceded Territory:
 - 15.3.1 To receive and determine appeals by utilizing a dispute resolution mechanism approved by Chief and Council according to the appropriate matter;
 - 15.3.2 To make representations, whether directly or by its duly authorized representative, to any court established under laws of general application, as the Justice Council may deem appropriate;
 - 15.3.3 A decision of the Justice Council shall be final and binding upon the parties before it and shall not be liable to review by any court except on the ground that the Justice Council failed to adhere to the Principles of Natural Justice and the provisions of the Wiikwemkoong Gchi-Naaknigewin.

16.0 Reasonable Limits

- 16.1 The rights set out in this Wiikwemkoong Gchi-Naaknigewin are subject only to reasonable limits prescribed by law that can be justified in a First Nation community.

17.0 Ratification

- 17.1 This Wiikwemkoong Gchi-Naaknigewin was ratified by 50% +1 of the ballots accepted at the ratification vote by the Wiikwemkoong Anishinaabek of Wiikwemkoong Unceded Territory.

18.0 Amendment of the Wiikwemkoong Gchi-Naaknigewin

- 18.1 The Wiikwemkoong Gchi-Naaknigewin may be amended by following each of the steps in the process outlined below:
- 18.2 A request to amend to this Gchi-Naaknigewin may be made by:
- 18.2.1 A written request by Chief and Council; or
 - 18.2.2 A written formal application signed by 125 Eligible Voters who are at least 18 years old; or,
 - 18.2.3 By the governance committee appointed by Council after the committee conducts its review of the Wiikwemkoong Gchi-Naaknigewin every 3 to 5 years.
- 18.3 The proposed amendment cannot be presented to Chief and Council until three months after Chief and Council are elected into office;
- 18.4 The proposed amendment of the Wiikwemkoong Gchi-Naaknigewin is first presented at a meeting of Chief and Council held at least 90 days before the amendment is to be decided by Chief and Council in a first reading when any Wiikwemkoong Anishinaabek in attendance was given a reasonable opportunity to ask any questions and voice any concerns on the proposed amendment.
- 18.5 At the first reading, the Chief or any Councillor may ask any question and voice any concerns on the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin.
- 18.6 The Chief and Council will determine after the first reading if any amendments to the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin are required or advisable.
- 18.7 Then the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin, as amended, if amended, is posted in a public place in the Administration / Band office of Wiikwemkoong.
- 18.8 Then the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin, as amended, if amended, is published in a community newsletter before it is decided upon by Chief and Council.
- 18.9 The proposed amendment of the Wiikwemkoong Gchi-Naaknigewin, as amended, if amended, is presented to Chief and Council in a second reading, at least 30 days before the proposed amendment is to be decided by Chief and Council. At this second reading, the proposed amendment may, at Chief and Council's discretion, have been amended in accordance with the questions or concerns raised at the first reading.
- 18.10 At the second reading, as at the first reading, any Wiikwemkoong Anishinaabek present at the meeting may ask any question and voice any concerns about the proposed amendment of the Wiikwemkoong Gchi-Naaknigewin.
- 18.11 Chief and Council will determine after the second reading if any amendments to the proposed amendment of the Wiikwemkoong Gchi-Naaknigewin are required or advisable.
- 18.12 A meeting with Chief and Council is held to approve the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin and at least 75% + 1 Council votes in favor of the proposed amendment of this Wiikwemkoong Gchi-Naaknigewin to put the amendment to a vote by the Wiikwemkoong Anishinaabek.

- 18.13 The proposed amendment will be approved if 50% +1 of the accepted ballots in a referendum of Wiikwemkoong Anishinaabek are in favour of the proposed Gchi-Naaknigewin.
- 18.14 There will be no second vote in step 18.13.

19.0 Definitions

19.1 In this Wiikwemkoong Gchi-Naaknigewin:

- a. **Wiikwemkoong Unceded Territory** is situated on the east end of Manitoulin Island Ontario in Georgian Bay of Lake Huron. Our territory includes the main village of Wiikwemkoong and satellite areas known as Pointe Grondine, Rabbit Island, Cape Smith, Wiikwemkoongsing, Kaboni, South Bay, Murray Hill, and Buzwah;
- b. **Wiikwemkoong Gchi-Naaknigewin** ensures the protection of our Inherent, Aboriginal and Treaty Rights; includes the principles, rules and procedures set out in this document;
- c. **Anishinaabe(k)** means the people of the land, the Wiikwemkoong Anishinaabek of Wiikwemkoong Unceded Territory which consists of the Wiikwemkoong Anishinaabek of the Three Fires Confederacy; which is the Odawa known as the Traders, the Ojibway known as the Faith keepers, and the Pottawatomi known as the Fire Keepers;
- d. **Anishinabeadziwin** means our way of Living;
- e. **Inherent Right(s)** means the authority given to Anishinaabe people by the creator for self-determination including the right to govern themselves and a right that exists by reason of an individual's status as an individual and is not derived from any other source;
- f. **Supreme Law** means that the Wiikwemkoong Gchi-Naaknigewin is the law that all other Wiikwemkoong laws, policies and rules must follow. In other words, no other law, policy or rule can contradict the Wiikwemkoong Gchi-Naaknigewin;
- g. **Unceded** means no land cession; no surrender of its land; and refers to land in North America that was never ceded to a government entity by the first peoples who held the original title to the land;
- h. **Council** means the collective of the Chief, and Councillors elected by the Band Members in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong's election law and; until it passes its election law, the election shall be defined under the Indian Act;
- i. **Resolution** means the written resolution by which Chief and Council authorize or sanction a decision or an action of the Wiikwemkoong Unceded Territory and to be implemented by the person(s) identified by Chief and Council;
- j. **Rule** means a standard, statement or procedure, other than a regulation or policy, adopted by Chief and Council to govern the behavior or conduct of Chief and Council or others;
- k. **Authority** means any authority other than law making authority;

- l. **Wiikwemkoong Anishinaabek** means a person who is a registered Wiikwemkoong Anishinaabek of the Wiikwemkoong Unceded Territory and whose name appears on the Wiikwemkoong Anishinaabek List in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong Unceded Territory law and, until Wiikwemkoong passes its Wiikwemkoong Anishinaabek Law, it includes members on the Band List as defined under the Indian Act;
- m. **Non Band Member** means a person who is not a registered Wiikwemkoong Anishinaabek but resides on Wiikwemkoong Unceded Territory;
- n. **Chief** means a Registered Wiikwemkoong Anishinaabek elected in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong's election law and, until it passes its election law, the election shall be defined under the Indian Act;
- o. **Councillor** or **Councillors** means a Registered Wiikwemkoong Anishinaabek (s) elected in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong's election law and; until it passes its election law, the election shall be defined under the Indian Act;
- p. **Community** means the collection of all Wiikwemkoong Anishinaabek and Non Band Members of the Wiikwemkoong Unceded Territory;
- q. **Eligible Voter** is a registered Wiikwemkoong Anishinaabek of the Wiikwemkoong Unceded Territory who has attained the age of 18 years by or on the date of the vote;
- r. **Natural Person** This means that Wiikwemkoong Chief and Council can sue in the name of Wiikwemkoong, they can be sued, and they can incorporate companies and do other things that people can do;
- s. **Registration** individuals, persons acclaim identities: ancestry, kinship;
- t. **Banishment** Wiikwemkoong Anishinaabek and Non Band Members who no longer have the right to reside in Wiikwemkoong Unceded Territory by official decree of Chief and Council due to acts that endanger Wiikwemkoong Anishinaabek;
- u. **Treaty** means a formal agreement between two or more states, as in reference to terms of peace or trade;
- v. **Public Registry** an area and/or office where all laws, documents and such are kept and secured;
- w. **Administrative decisions** Administrative decisions includes decision related to housing, post-secondary education, health, or other service related decisions;
- x. **Conflict of Interest** occurs when an individual or organization is involved in multiple interests, one of which could possibly corrupt the motivation for an act in another;
- y. **Reasonable Limits** not exceeding the limit prescribed by law; not excessive;
- z. **Principles of Natural Justice** means that a person has the right to know the allegations being made against them, they have a chance to defend themselves and that a fair decision will be made taking into account all of the relevant evidence put before the Justice Council;

aa. Seven Grandfather Teachings;

RESPECT – Accept people for who they are. Listen openly to other opinions and be sensitive towards peoples’ feelings. Also, respect all living creatures, and Mother Earth.

HUMILITY – Strive to become a modest person. Recognizing the accomplishments you have achieved in your life is gratification enough.

TRUTH – Be a trustworthy individual. Discuss only factual information, and in turn, seek out knowledge that is accurate.

BRAVERY/COURAGE – Take responsibility for your mistakes, and meet unknown circumstances head on. Be a risk taker, and do not let short falls discourage you.

LOVE – Show affection and fondness for those around you. Allow your family and friends to know you adore them unconditionally. Most importantly, love yourself.

HONESTY – Be upfront about everything that you say or do. Your words and your actions should not have a hidden agenda or motive.

WISDOM – Be wise and gain knowledge through life experiences. Furthermore, learn from your mistakes. Expand your wisdom to include teachings from elders and children.



To Learn More Please Contact:

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