



FIRST NATION CONSTITUTION DEVELOPMENT RESTORATION OF JURISDICTION

BENEFITS OF A CONSTITUTION

There are many good reasons for a First Nation to ratify its own constitution. A constitution:

- describes the First Nation and its framework for governance;
- outlines the powers or jurisdiction of the governing authority and the First Nation citizens/members;
- describes the values and principles that guide the First Nation;
- legitimizes political authority;
- protects the rights and freedoms of the First Nation citizens/members; and,
- is a building block to sustained economic development and self-sufficiency.

Another good reason to ratify a constitution is to participate in the self-government arrangements on education and governance. The Anishinabek Nation is currently involved in two separate sectoral self-government negotiations with Canada to restore its jurisdiction over education and governance. Restoration of jurisdiction over education involves the establishment of the Anishinabek Education System to support First Nation delivery primary, elementary and secondary education programs and services, among other things. Restoration of jurisdiction over governance involves exercising jurisdiction over leadership selection, citizenship, and the administration of government, among other things.

The First Nations that decide to exercise jurisdiction under the self-government agreements must ratify a constitution. Both the Education Agreement and the Governance Agreement include a requirement for each Participating First Nation to ratify a constitution no later than the date that the First Nation ratifies the self-government agreement.

This paper describes options for a First Nation on ratifying its constitution.

THE OPTIONS:

If a First Nation wishes to exercise jurisdiction under the education and governance self-government agreements, the First Nation may:

- develop and then ratify its constitution any time prior to the date it ratifies a self-government agreement;
- ratify the template constitution developed by the Union of Ontario Indians any time prior to the date it ratifies a self-government agreement;
- develop and then ratify its constitution on the same date as it ratifies the self-government agreement; or,
- ratify the template constitution developed by the Union of Ontario Indians on the same date as it ratifies the self-government agreement.

Each First Nation may choose to develop a draft constitution on their own or develop its constitution with the support of the Union of Ontario Indians constitution development project. The Special Projects Coordinator and the ROJ team are available to:

- support the First Nation drafting and finalization of written constitutions;
- develop First Nation communications and consultation plans for community input on the draft constitution with the First Nation; and,
- develop and support the implementation of First Nation constitution ratification plans.