



WHAT IS A CONSTITUTION?

UNION OF ONTARIO INDIANS

A constitution is the fundamental law of a nation, which may be written or unwritten. Among other things, a constitution creates, empowers and regulates government, it sets out the basic principles government must conform to and the rights of the citizens of the nation in the context of establishing the extent and manner of the exercise of sovereign powers.

A constitution is a solid foundation for First Nation's to move ahead in self-government and in nation-building activities. Your constitution will be specific to your community. It should address your community's sense of itself, how you are governed, how the membership has input into governance, key positions of your government and your sovereign powers.

The development of a constitution must be based on the consensus among your citizens or members and around such basic questions as:

- Who are we as a nation?
- Who makes decisions on behalf of our community?
- What is the role of our government?
- How will our government be accountable to the membership?
- What principles will guide the exercise of power?

Some of the standard components of a constitution include:

- Founding principles;
- Description of government structures and offices;
- Law-making powers of government;
- Rights and freedoms of membership/citizens;
- Law-making process; and,
- Constitutional amendment clauses.

It is important to remember that in writing your constitution you reference the need for certain laws but not the details of those laws. For example, the Nisga'a Constitution references the need for laws governing elections, but avoids specific details such as leadership qualifications, advance polls, elections appeals, etc. Details are in the laws or legislation, but the principal need for the law is in the constitution.

If you have any questions or require assistance to the creation of a Constitution Development Committee, development of a draft constitution or support with the community approval and ratification of your community constitution, please contact Faye Sabourin, Special Projects Coordinator for the Restoration of Jurisdiction Department at the Union of Ontario Indians at 1-877-702-5200 Ext. 2316.