



CONSTITUTION

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OCHAPOWACE NATION

CONSTITUTION

1. PREAMBLE

We the Ochapowace Nation as a critical component of the Indigenous Peoples of Turtle Island of North America belong to and are an integral component of the Universal Family of Peoples, are the original inhabitants and keepers of all lands, territories and natural resources, and in order to ensure the rights and freedoms of Ochapowace Nation including; natural, inherent, indigenous, and treaty are fully protected, preserved and exercised; to ensure justice, and good governance; to maintain our customs and traditions, to exercise our self-determination, jurisdiction and sovereignty; to promote harmony and well-being; to enjoy and gain the benefits of our natural, inherent and Indigenous Peoples Rights, therefore this *Ochapowace Nation Constitution represents our Law, hereby:*

Confirm as Indigenous Peoples and Indigenous Nations we possess Natural, Indigenous, Inherent, and Collective Rights that have been granted by the Creator, and these rights cannot be altered, changed, revised, overridden or disregarded by man-made law and policy, and that we as Indigenous Peoples in the exercise of our rights are to be free from discrimination of any kind, and

Knowing that we as the original inhabitants and rightful keepers of all lands and natural resources in all of Treaty Territory are bound by Sacred duty to: observe, uphold, honor and respect the natural order, laws and environments in which we exist, and stating that as Indigenous Peoples we have and had since time immemorial –

unique spiritual and physical relationships with the Universe, Mother Earth and the natural world, including with our traditional lands, waters, air and minerals, and

Stating the urgent need to respect and uphold our inherent rights as Indigenous Peoples which derive from our political, economic and social structures, cultures, spiritual traditions, histories and philosophies, especially our connectedness to and rightful stewardship of our lands, territories and natural resources, and

Understanding that Ochapowace consists of the Kakisiwew and Chacachas original Treaty No. 4 Indigenous Nations who were forcibly amalgamated and retain all rights under Treaty; its original spirit and intent; and as recognized by International Law and standards, and

Convinced that control by us; the Indigenous Peoples over developments affecting our rights, livelihoods and existences; the protection of our lands, territories and natural resources will enable us to maintain and strengthen our laws, government, institutions, policy, relationships, cultures and traditions, and to promote development in accordance with our sovereignty, autonomy, rights and needs, and

Formally Proclaims that we possess un-extinguished inherent rights, and maintain decision-making authority and powers that enables and authorizes us to proclaim to all that this Ochapowace Nation Constitution represents our exercising and implementing our Sovereignty and Self-Determination for the Ochapowace Nation Peoples.

2. DEFINITIONS

- a). **Citizen** - means an individual who is eligible to be registered as a Citizen of Ochapowace. This definition does not prejudice the forcible amalgamation, the reestablishment or the inherent rights of the Kakisiwew and Chacachas original Treaty Indigenous Nations

- b) **Constitution** - an established law or custom. The Ochapowace People have always natural inherent rights that today can be considered as a constitution. The Nation has written down their constitution to provide clarity and identity.
- c). **Collective** - All Ochapowace citizens.
- d). **Okimaw/Okimaw Iskwew** - Leader or head of Ochapowace government.
- e). **Headmen/Headwomen** - along with the Okimaw/Okimaw Iskwew, form the body of Ochapowace Government.
- f). **Indigenous Peoples Rights** - those rights as affirmed and contained within the United Nation Declaration on the rights of Indigenous Peoples, including those rights recognized by international law and standards.
- g). **Inherent** - natural laws and rights that we are born into this world. A term denoting the abilities and rights of the Ochapowace Nation including Kakisiwew and Chacachas.
- h). **International Law** - Those Laws that are formulated by an international organization as the United Nations for application into nation and state constitutions and legislation. The Law that is intended to benefit Indigenous Peoples and Treaties.
- i). **Majority of majority** - means majority votes of majority.
- j). **Natural Resources** - those lands, waters, air, animals, forests, fauna, air and minerals occurring in the natural World. Those resources rightfully belonging to and subject to Ochapowace Nation jurisdiction.
- k). **Sovereignty** - Power to govern without external control. Authority of Ochapowace Nation on their lands, territories, waters and natural resources.

- l). **Treason** - a deliberate malicious act by an individual or individuals to commit harm against the Government of Ochapowace its People, their laws, their rights, Ochapowace lands and treaty.
- m). **Community Tribunal** – an appointed neutral body of members who implement the rules and regulations as set out in the Community Tribunal Manual.
- n) **Kehte-ayak** – a group of advisors sixty-five (65) years and older on the Ochapowace registry.

3. PURPOSE

- 3.1 We the citizens of Ochapowace recognize our traditional knowledge, customs, inherent qualities and sovereign capacities along with the right to participate in decision making as fundamental principles on which we develop our Constitution, Laws and Government
- 3.2 To state principles as contained in the preambular paragraphs with which this Ochapowace constitution articles 1, 3, 4, 5, 6, 7, 8, and 9 are to be developed and interpreted.
- 3.3 To confirm our sovereignty and strengthening of Ochapowace as a Nation under International Law in our territories.
- 3.4 That our International Status as Indigenous Peoples ensures that the International Status of Treaty is enforceable.
- 3.5 To invoke and apply the United Nations Declaration on the Rights of Indigenous Peoples and International Law and Standards in all decision making processes and principles.

- 3.6 To recognize and uphold our jurisdiction and territorial integrity on our lands, territories and natural resources.
- 3.7 No other jurisdiction shall infringe, impede, interpret, decide on, or affect this Ochapowace Nation Constitution.
- 3.8 To exercise our right to self-determination in all matters affecting our destiny, development, treaty and rights.

4. RIGHTS AND RESPONSIBILITIES

- 4.1 The Ochapowace citizens assert inherent rights provided by the Creator that include but are not limited to:
 - a) spiritual beliefs, practices, language, culture, customs, and traditions;
 - b) political rights, including the right to vote and run for office in an election of the Okimaw/Okimaw Iskew and Headmen/Headwomen upon fulfilling of the requirements set out in the Ochapowace Election Law;
 - c) collective rights to participate in traditional and cultural activities including hunting, fishing and gathering, and use of Ochapowace Nation lands for collective benefit;
 - d) rights to self-government and self-determination in all matters and developments;
 - e) the right to a fair and efficient government, together with programs and services;
 - f) the right to determine, develop and implement our Laws including but not limited to: citizenship, land, financial, fiscal relationships, treaty relationships, nation-to-nation relationship, education, social, health,

economic development and those included in the United Nations Declaration on the Rights of Indigenous Peoples.

- g) adherence and allegiance by all citizens to our Ochapowace Nation Constitution, and all other Ochapowace Nation Laws.

5. LANGUAGE

- 5.1 The Cree and Saulteaux languages shall be the official languages of Ochapowace with English as an additional language.

6. SELF GOVERNMENT

- 6.1 The overall governing body is the Ochapowace people who elect Okimaw/Okimaw Iskew and Headmen/Headwomen.
- 6.2 The Okimaw/Okimaw Iskew and Headmen/Headwomen are elected by a majority of majority of Ochapowace Cree Nation Citizens as provided for under the *Election Law*.
- 6.3 The Okimaw/Okimaw Iskew and Headmen/Headwomen are accountable to all the People of Ochapowace, and shall report when so required.
- 6.4 The Okimaw/Okimaw Iskew and Headmen/Headwomen are bound by sacred duty to uphold, honor and implement the Ochapowace Nation Constitution and all other Ochapowace Nation Laws.
- 6.5 The Okimaw/Okimaw Iskew and Headmen/Headwomen are elected to protect our customs, traditions and treaty and where necessary, develop our

Government processes, policies, self-determination, languages, lands, territorial integrity, natural resources, treaty property and our interests.

- 6.6 Subject to the Ochapowace Nation Peoples free prior and informed consent and honouring their right to participate in decision making, the Ochapowace Government possesses the authority to determine relationships with other governments, and whether the application of foreign laws and policies are required.
- 6.7 The Ochapowace Okimaw/Okimaw Iskwew and Headmen/Headwomen are subject to recall, discipline or punishment for committing or causing to commit; treason, breach, or corruption.
- 6.8 The Ochapowace Community Tribunal is hereby authorized to implement article 6.7 free of influence, threat or coercion.

7. SOVEREIGN AUTHORITY AND JURISDICTION

- 7.1 Ochapowace is a separate and distinct nation with inherent authority to develop, pass, amend and repeal laws.
- 7.2 The Okimaw/Okimaw Iskwew and Headmen/Headwomen have the duty to uphold, enforce and defend the laws of the Ochapowace Nation.
- 7.3 Laws are required to implement our inherent right to control our own destiny and government.

8. RATIFICATION

- 8.1 All laws of Ochapowace including this *Constitution* must be ratified by a majority of majority of eligible voters.

9. ENFORCEMENT

- 9.1 Ochapowace Okimaw/Okimaw Iskew and Headmen/Headwomen along with the Ochapowace Community Tribunal possess the responsibility for the enforcement of the Ochapowace Constitution and all Ochapowace Nation Laws.
- 9.2 The Ochapowace Community Tribunal, together with the Kehte-ayak will function as our court and will be responsible for ruling on the coverage and application on all matters affecting, impacting, breaching or in violation of this Ochapowace Nation Constitution and all Ochapowace Nation Laws.

10. REFERENDUM

- 10.1 As necessary, laws can be improved and developed as a result of continued Ochapowace citizen input as well as input from the Ochapowace Okimaw /Okimaw Iskew and Headmen/Headwomen, concerning changes to be made.
- a) where changes or amendments are necessary, a minimum of 100 eligible voters are required to enact the amendment process;
 - b) the approval process required to ratify and amend any Ochapowace Law shall be given providing a majority of majority of all eligible voters is in favour and provided that a notice of vote is posted in two (2) public locations on the reserve, on the Ochapowace web page and on social media sites.
 - c) the Ochapowace Okimaw/Okimaw Iskew and Headman/Headwomen will be responsible for coordinating the proposed amendments.

11. ASSENT AND APPROVAL

WE THE UNDERSIGNED, WHO UNDERSTAND AND KNOW THAT WE POSSESS FULL SOVEREIGNTY AND THE RIGHT TO SELF DETERMINATION.

IN FULL ACCORDANCE WITH THE APPLICATION OF TREATY PRINCIPLES OF; FREE PRIOR AND INFORMED CONSENT AND OUR RIGHT TO PARTICIPATE IN DECISION MAKING, DO HEREBY AFFIX OUR NAMES AND CONFIRM THE ADOPTION AND APPROVAL OF THE OCHAPOWACE NATION CONSTITUTION FOR IMMEDIATE AND FULL IMPLEMENTATION FROM THIS DAY FORWARD:

Signed and dated this 9th day of June, 2015.

Okimaw Iskewew:

MARGARET BEAR

Margaret Bear

HEADMEN:

SHELLEY A. BEAR

Shelley Bear

TIM B. BEAR

Tim Bear

PETRA BELANGER

Petra Belanger

LESLIE GEORGE

Leslie George

JOHN STILL

John Still

SHAYA WATSON

Shaya Watson