



# LAND LAW

## TABLE OF CONTENTS

	Page
Preamble .....	3
Section One - Purpose .....	3
Section Two - Principles .....	4
Section Three - Title of This Law .....	6
Section Four - Definitions .....	6
Section Five - Lands Subject to the Ochapowace Nation Land Law .....	8
Section Six – Rights and Responsibilities .....	8
Section Seven - Land Resource Allocation .....	9
Section Eight – Appropriation and Annexation Authority .....	10
Section Nine – Liability .....	10
Section Ten – Enforcement .....	10
Section Eleven – Conflict of Interest .....	11
Section Twelve – Ratification of this Law .....	12
Section Thirteen – Amending this Law .....	12
Section Fourteen - Assent and Approval .....	13

# OCHAPOWACE LAND LAW

## PREAMBLE

*As a sovereign nation, in accordance with the Ochapowace Nation Constitution, the Ochapowace Nation has the full right and power to self determine a governance process without any interference. No other jurisdiction shall infringe, impede, interpret, decide on, or affect this Ochapowace Nation Land Law.*

*Ochapowace Nation and the Crown in Right of Canada, possess the responsibility to uphold the original spirit and intent of Treaty.*

*The land management of the Ochapowace Nation are the sole responsibility of the Nation and is subject to its laws.*

## SECTION ONE - PURPOSE

1. The Ochapowace Nation Land Law describes and sets out the rules governing all laws of our land and this repeals/replaces all other Land Laws.
  - (i) All existing lands and resource agreements shall comply with this Land Law, subject to a transition period of up to one (1) year after ratification of this Land Law.

## SECTION TWO - PRINCIPLES

2. The Ochapowace Nation, are Sovereign Indigenous Peoples by virtue of our Inherent Rights granted to us by the Creator, and Treaty. We possess and enforce the following principles:
  - a) International Indigenous Peoples Rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples are sources of our Rights that are hereby invoked and applied.
  - b) Treaty is an international status covenant guaranteeing a nation-to-nation relationship that is to be funded accordingly.
  - c) We possess equal status as a nation in the Treaty relationship.
  - d) The successor nation Canada by virtue of its Constitution 1982, possesses a fiduciary obligation and duty to honor and uphold Treaty.
  - e) The current fiscal relationship with the Crown must be sufficient and adequate for our Nations developmental needs and for the full enjoyment of our fundamental freedoms.
  - f) The Land Use Policy shall evolve to complement this Land Law.
  - g) Ochapowace people are considered equal under all laws of the Ochapowace Nation.
  - h) This Ochapowace Nation Land Law supersedes and transcends all other jurisdictions and other Laws.

- i) Treaty is an international agreement between Nations, guaranteeing a nation to nation relationship recognized by International treaty law.
  - (i). International Treaty Law is hereby invoked; and applied: a party to Treaty cannot invoke the provisions of its internal Law to justify failure to perform a Treaty.
- j) Treaty is a legally binding agreement intended to recognize and enforce obligation and duties on all parties.
- k) Treaty was agreed to on the understanding that the use of the land by the settlers and their descendants is to the depth of a ploughshare.
  - (i). the Natural Resource Transfer Arrangement 1930 between Canada and Saskatchewan is illegal, unlawful and immoral and is incompatible with the Ochapowace Constitution, Ochapowace Land Law and International Law.
- l) All minerals below the depth of a ploughshare are the exclusive property of the Treaty Indigenous Nations inclusive of the Ochapowace Nation.
- m) We as original peoples as stewards of the land, have always occupied, inhabited and used the land since time immemorial.
- n) All lands illegally and unlawfully taken, appropriated or surrendered is the rightful treaty lands of the Ochapowace Nation.
- o) Redress, restitution and compensation of equal value shall apply in all instances where Ochapowace lands were illegally and unlawfully taken, appropriated and surrendered.
- p) Ochapowace Nation is eligible for additional lands not previously allocated to the returning veterans and is an outstanding obligation of Canada.

## SECTION THREE - TITLE OF THIS LAW

3. This Law shall be called the Ochapowace Nation Land Law.

## SECTION FOUR - DEFINITIONS:

4. In this Law:
  - a) **"Land"** means present and future lands owned by Ochapowace Nation.
  - b) **Okimaw/Okimaw Iskwew** - Leader or head of Ochapowace government.
  - c) **Headmen/Headwomen** - along with the Okimaw/Okimaw Iskwew, form the body of Ochapowace Government.
  - d) **"Council"** means the elected leaders of the Ochapowace Nation which includes the Okimaw/Okimaw Iskwew and Headmen/Headwomen (formerly known as the Chief and Councillor's).
  - e) **"Kehte-ayak"** means a group of advisors sixty-five (65) years and older on the Ochapowace registry.
  - f) **"Community Tribunal"** means an appointed neutral body of members who implement the rules and regulations as set out in the Community Tribunal Manual.
  - g) **"Sovereignty"** means the power to govern without external control. Authority of Ochapowace Nation on their lands, territories, waters and natural resources.
  - h) **"Resources"** means the renewable and non-renewable resources.

- i) **"Ochapowace 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.
- j) **"Socio-economic impacts"** means relating to economic activity affecting the social lives of the Ochapowace Nation people.
- k) **"Traditional Territories"** means the areas of lands we used traditionally for hunting, fishing, gathering, trapping and ceremonial purposes sustainable to life.
- l) **"Appropriation"** means the transferring the use of land from one purpose to another.
- m) **"Annexation"** means to take possession of an area of land for collective benefits.
- n) **"Treaty"** is an international agreement concluded between nations in written form and governed by International Law. Treaties No. 1 to 11 encompasses Treaty No. 4.

## SECTION FIVE - LANDS SUBJECT TO THE OCHAPOWACE NATION

### LAND LAW

- 5. The existing Ochapowace Nation Indian Reserve No. 71 inclusive of the north shore of Round Lake and the north bank of the Qu'Appelle River as stated in Treaty.

6. Any and all lands acquired by Ochapowace Nation.
7. Those lands that have been illegally and unlawfully surrendered.
8. All these lands shall be marked as Ochapowace Nation Lands.

## **SECTION SIX – RIGHTS AND RESPONSIBILITIES**

9. All lands and resources of the Ochapowace Nation are collectively owned by all Ochapowace people. No portion of Ochapowace Nation reserve land and resources can be used for individual collateral purposes or sold by any individual.
10. Pursuant to our Inherent and Treaty Rights, all Ochapowace Nation lands and resources are the property of the Ochapowace Nation and are subject to its jurisdiction, laws and policies.
11. Ochapowace Nation people shall have equal opportunity to apply for the use of Ochapowace lands, subject to availability and designation.
12. To ensure public order and good government, and to ensure that the Land Law is applied equally to all Ochapowace Nation people and Permit holders, the Ochapowace Nation Government is responsible for the implementation and enforcement of this Law.
13. To maintain the integrity of the Ochapowace Nation traditional territories, any development that would have any environmental and socio-economic impacts on the Ochapowace Nation and its people, must be in compliance with the Ochapowace Constitution principles of free prior and informed consent and the right to participate in decision making.



## SECTION SEVEN – LAND RESOURCE ALLOCATION

14. The Chief and Council have the discretion to designate lands for various use or functions including, but not limited to, the following:
  - a). Spiritual or religious
  - b). Cultural or Heritage
  - c). Recreation
  - d). Housing/residential
  - e). Education
  - f). Public Works
  - g). Business/Commercial/Industrial
  - h). Community Infrastructure
  - i). Ecological or Wildlife Preserve
  - j). Waste disposal grounds
  - k). Agriculture
  - l). Burial Grounds
  
15. No individual(s) cannot designate, transfer, sell, indemnify or claim the collective lands of the Ochapowace Nations for private use or enterprise without the free prior and informed consent of the Ochapowace Nation.
  
16. There shall be no Certificate(s) of Possession (CP) issued.

## **SECTION EIGHT – APPROPRIATION AND ANNEXATION AUTHORITY**

17. Ochapowace as a Nation and a government possess the authority to appropriate and annex land that are the rightful and legitimate property of Ochapowace as designated by Treaty and serves the best interest of Ochapowace Nation.
  
18. Appropriation and annexation laws from other jurisdictions do not apply to Ochapowace Nation.

## **SECTION NINE – LIABILITY**

19. The Ochapowace Nation is not liable for anything done, or omitted to be done by Parliament in all manifestations, prior to the date this Ochapowace Nation Land Law comes into effect.

## **SECTION TEN - ENFORCEMENT**

20. The Ochapowace Nation Council is responsible for the enforcement of this Ochapowace Nation Land Law.
  
21. 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 Land Law. The Ochapowace Nation Council shall establish a Lands Department.

22. The Ochapowace Nation Council shall establish a Lands and Natural Resources Department.
23. The Ochapowace Nation Lands & Natural Resources Department shall develop policies and procedures so as to protect, preserve and manage Ochapowace Nation lands and resources for the benefit of the Ochapowace Nation people and their descendants.
24. The Ochapowace Nation Council shall establish a stand alone Lands and Natural Resource portfolio.

## **SECTION ELEVEN – CONFLICT OF INTEREST**

25. Any elected, appointed official or an employee of the Ochapowace Nation shall declare any conflict of interest with respect to his/her private interests. Any breach of the conflict of interest will be held with the laws and procedures of Ochapowace Nation.
  - a) No entity shall set their own compensation.

## **SECTION TWELVE – RATIFICATION OF THIS LAW**

26. Ratification of this Law will be in accordance with the Ochapowace Nation Constitution.

## **SECTION THIRTEEN – AMENDING THIS LAW**

27. Our Ochapowace Nation Constitution is hereby acknowledged as our primary law, intended to govern and protect the Ochapowace people;
28. Amendments to this Law shall be made in accordance with the Ochapowace Nation Constitution.
  - (i). The Laws of the Nation shall be considered property of the Nation and can only be changed by the will of the Ochapowace people

## SECTION FOURTEEN - ASSENT AND APPROVAL

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

IN FULL ACCORDANCE WITH THE APPLICATION OF TREATY, DO HEREBY AFFIX OUR NAMES AND CONFIRM THE ADOPTION AND APPROVAL OF THE OCHAPOWACE NATION LAND LAW FOR IMMEDIATE AND FULL IMPLEMENTATION FROM THIS DAY FORWARD:

Signed and dated this 24<sup>th</sup> day of May, 2015.

### Okimaw Iskeww:

MARGARET BEAR

*Margaret Bear*

### HEADMEN/HEADWOMEN:

PETRA BELANGER

*Petra Belanger*

TIM B. BEAR

*Tim Bear*

SHELLEY A. BEAR

*Shelley Bear*

LESLIE GEORGE

*Leslie George*

JOHN STILL

*John Still*

SHAYA WATSON

*Shaya Watson*