



**Chief Ochapowace**  
(son of Kaksiwew)  
1885 - 1892

# OCHAPOWACE *CONSTITUTION*

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# OCHAPOWACE FIRST NATION

## *CONSTITUTION*

### 1. PREAMBLE

The Ochapowace First Nation #71 (hereinafter referred to as “Ochapowace”) is an involuntary trustee of all citizens of Ochapowace including citizens of the two historic First Nations, Kakisiwew and Chacachas and those not yet determined to be a citizen of Kakisiwew or Chacachas First Nations. In order to ensure the rights and freedoms of Ochapowace, including inherent, aboriginal, and treaty among citizens are fully protected, exercised and preserved; to ensure justice, and good governance; to maintain customs and traditions; to promote harmony and well being; therefore ratify the *Ochapowace Constitution*.

### 2. DECLARATION

We, the citizens of Ochapowace within Treaty Four Territory have:

- Our inherent right to control our own destiny and government.
- Our inherent natural rights to function as a Nation.
- Inherent authority to establish, empower and govern our institution of government since time immemorial.
- Our ancestor’s guarantees by the signing of Treaty Four which preserves our way of life in perpetuity.
- Our right as treaty people to entrust our system of government.
- Chief and Council as the elected representatives of our Government of Ochapowace.
- Realized we must write down some of our inherent laws to recognize and regulate our lives and to guide us with a clear direction connected with our traditions and culture in accordance with the Creator.
- Had extensive consultation and involvement who exhibited our full powers found to be in good standing and have agreed to this *Constitution* of Ochapowace and its institutions.
- Made this *Constitution* as a declaration respecting our rights, responsibilities and sacred obligations from generation to generation.
- This *Constitution* for the Ochapowace citizens to abide as a base for the governance structure of our community.

### 3. PURPOSE

- 3.1 We the citizens of Ochapowace recognize our common traditional knowledge unite us and define us. It is building on this common understanding that has lead to the development of our *Constitution*. We are prepared to live by these common traditional knowledge which include:
- (a) THAT we are the original peoples and the Creator has placed us here;
  - (b) THAT the Creator gave us laws that govern our Nation to Nation relationships to live in harmony with nature and mankind;
  - (c) THAT the laws of the Creator define our rights and responsibilities;
  - (d) THAT the Creator gave us our spiritual beliefs, our languages, our culture, traditions and a place on Mother Earth which provides us with all our needs;
  - (e) THAT we have maintained our freedom, our languages and our traditions as a matter of right from time immemorial;
  - (f) THAT we continue to exercise these rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed;
  - (g) THAT the Creator has given us the right to govern ourselves and the right to determine our own destiny; and
  - (h) THAT the rights and responsibilities given to us by the Creator cannot be altered, diminished or taken away by any other nation.
- 3.2 To establish and confirm sovereignty and strengthening of Ochapowace status as a Nation under International Law.
- 3.3 To recognize and uphold our jurisdiction and that no other jurisdiction shall infringe, impede, or affect this *Constitution*.
- 3.4 To include total eligible voting registered citizens of Ochapowace regardless of residence in the ratification process.

#### **4. RIGHTS AND RESPONSIBILITIES**

4.1 The Ochapowace citizens assert inherent rights given by the Creator including but 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 Chief and Council;
- (c) collective rights to participate in traditional and cultural activities, hunting, fishing and gathering, and use of land of Ochapowace;
- (d) rights to programs and services delivered by Ochapowace;
- (e) the right to determine our citizenship;
- (f) the right to participate in the law making process and of policies and procedures; and
- (g) abide by our *Constitution*, laws, policies and procedures of Ochapowace.

4.2 The Cree and Saulteau languages shall be the official languages of Ochapowace with English as an additional language.

#### **5. GOVERNANCE STRUCTURE**

5.1 The governing body is the elected Chief and Council. The Chief and Council are elected by a majority of Ochapowace citizens as provided for under an *Election Law*, and as such are accountable to protect, promote, implement and plan our government, laws, policies, procedures and structures.

#### **6. LEGISLATIVE AUTHORITY**

6.1 Ochapowace has the right to exercise all law making authority set out in our inherent rights and recognized by the treaties made with the Crown. Under the inherent rights given to us by the Creator, Ochapowace has the authority to make laws to protect the cultural, political and economic distinctiveness and social well-being including but not limited to:

- (a) citizenship;

- (b) land;
- (c) education at all levels from birth to death;
- (d) language and culture;
- (e) social development;
- (f) health services;
- (g) public works;
- (h) hunting, fishing, trapping and gathering;
- (i) housing, buildings, structures; and
- (j) any law making authority set out in the treaties.

## 7. OCHAPOWACE GOVERNMENT POLICIES AND PROCEDURES

7.1 Ochapowace is a separate and distinct government with authority to pass, amend and repeal laws including but not limited to:

- (a) an *Election Law* that will set out:
  - (i) the times, places and manner of holding elections, including by-elections;
  - (ii) the process and procedure for nomination;
  - (iii) the qualifications and requirements of candidates;
  - (iv) the process and procedure for appeal process; and
  - (v) criteria for entitlement to vote.
- (b) a *Land Act*, which will ensure the principles of Treaty Rights and Inherent Rights are not violated, and for the protection, preservation and management of our lands.
- (c) a *Financial Management Act* to secure sound and sustainable management of the fiscal and financial affairs of Ochapowace. The *Financial Management Act* will outline the process of management of revenues, expenditures, assets and liabilities and the handling of financial dealings, budgetary and financial planning, borrowing and handling of financial problems.
- (d) a *Citizenship Law* is exercisable over the territory of Ochapowace and over the registered citizens in exercising inherent right to self-determination.

- (e) a Code of Conduct which will establish the standards that govern the way we deal with each other, the public and our community.
- (f) a Conflict of Interest procedure which will define the process to review conflicts of interest, to determine whether a conflict of interest exists, and to interpret, administer, and resolve matters pertaining to conflict.
- (g) Boards and Committees shall be established to look at the potential effects a proposed activity may have on the economic future of our nation and to consider measures that could be used to eliminate or reduce any identified negative impacts on the economy, environment, health, culture, traditions and lifestyles of Ochapowace.
- (h) Personnel Policy to maintain harmonious and mutually beneficial working relationships between all departments of Ochapowace, including Chief and Council. To promote consistency, quality, good working environment and good customer service practices to be observed and followed by all personnel.
- (i) Trespass By-Law No. 2005.01 to protect and preserve our land pursuant to inherent treaty rights.
- (j) Community Tribunal is mandated as provided for in the *Election Act* to manage and make decisions on the following matters:
  - (i) Election Appeals;
  - (ii) Develop and monitor the Standards of Conduct during the campaign period; and
  - (iii) Grievances, Discipline or Removal from office as contained in the Community Tribunal Manual.

7.2 All other acts and laws as may be required to implement our inherent right to control our own destiny and government for as long as the sun shines, the river flows and the grass grows.

## **8. RATIFICATION**

- 8.1 All acts and laws of Ochapowace including this *Constitution* must be ratified by a majority (50 + 1) of eligible voters in the Referendum held for that purpose vote in favour of.
- 8.2 All acts or laws will come into force by this ratification process and shall remain in force until such time as formal amendments are made in accordance with Ochapowace procedures set out in the *Constitution*.

## **9. AMENDMENTS**

- 9.1 As necessary, all acts and laws can be improved and developed as a result of continued Ochapowace citizen input as well as input from the Ochapowace Chief and Council, concerning parts not addressed or changes to be made in the current documents mentioned herein:
- (a) where changes or amendments are necessary, a minimum of 100 eligible voters are required to enact the amendment process;
  - (b) the Ochapowace Chief and Council will be responsible for coordinating the proposed amendments; and
  - (c) This *Constitution* will be reviewed and could be revoked by the decision of the court in its final determination of the issues surrounding the creation of Ochapowace.