



kakisiwew-ochapowace

ka-miyikowisiyahk: the powers given to us

(kah-mee-yih-koh-wi-see-yak)

(also known as the “Constitution”)

without prejudice

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PREAMBLE

ka-miyikowisiyahk

(formerly called the Ochapowace Constitution)

We, the kakisiwew (Loud Voice) peoples of Treaty 4 Territory, are the original inhabitants and keepers of our lands and territories. We have a sacred duty to uphold the natural laws. Since time immemorial we maintain a unique spiritual and physical relationship with Mother Earth, Father Sky, and all of Creation.

Through the spirit and intent of Treaty 4, we are the rights holders of Chief Kakisiwew, original signatory, and know this to be true. These rights are shared with Kakisiwew-ochapowace self-determined citizens, who remain undeclared of any other nation.

We assert that these rights cannot be altered, changed, revised, manipulated, overridden, or disregarded by man-made law and policies. Through our oral traditional teachings passed down by our ancestors, this is who we are as proud nehiyawak.

kisê-manitow (Creator) put us here as the people of kakisiwew-ochapowace Nation and gave us inherent rights to create our own laws that govern all of our relationships so that we may live in harmony with nature and mankind.

kisê-manitow gave us a place on Mother Earth to provide us with all our needs so that we may live and prosper. We will practice these rights, responsibilities and sacred obligations from generation to generation.

This ka-miyikowisiyahk purpose is to put into written English form, an understanding of those rights, responsibilities and duties as provided by kisê-manitow to the kakisiwew-ochapowace nation, including, but not limited to, such rights, responsibilities and duties as:

- a) preserving, protecting and exercising kakisiwew-ochapowace Nation's inherent and treaty rights of its Citizens and future Citizens, regardless of personal location;
- b) governing, free from discrimination of any kind, reflective of kakisiwew-ochapowace Nation's customs, traditions and oral teachings as written and unwritten laws;
- c) promoting a proud, prosperous and unified sovereign nation to support the wellbeing of all kakisiwew-ochapowace Nation Citizens;
- d) upholding kakisiwew-ochapowace Nation's current and future rights to its traditional lands, waters, air and minerals;
- e) Confirming kakisiwew-ochapowace Nation's inherent rights to govern ourselves and enforce our laws through our collective rights and sovereignty; and;

This ka-miyikowisiyahk is the highest law of the kakisiwew-ochapowace Nation.

1. PURPOSE

In enacting this ka-miyikowisiyahk (constitution), we the kakisiwew-ochapowace peoples:

- a) recognize and implement our traditional knowledge, customs, inherent rights, and sovereignty along with the right to participate in decision making as fundamental principles on which we develop our ka-miyikowisiyahk, Laws, and Government;
- b) assert, exercise and uphold our sovereignty as a Nation and peoples;
- c) assert and protect our authority of our Lands and Natural Resources;
- d) assert our Sovereignty and no other jurisdictions will infringe, impede, interpret, or decide upon this kakisiwew-ochapowace ka-miyikowisiyahk .
- e) kakisiwew-ochapowace maintains the authority to determine its relationships with other governments, and if the application of external laws and policies are required.

2. INHERENT RIGHTS

The people of kakisiwew-ochapowace nation acknowledge and affirm our inherent rights as nehiyawak. These rights are part of kakisiwew-ochapowace identity and sovereignty, given to us by kise-manitow. These inherent rights include, but are not limited to:

- a. The right to self-government, including the authority to make laws, establish governance structures, and manage nation affairs;
- b. The right to regulate, manage, and protect the jurisdiction over kakisiwew-ochapowace Nation's traditional lands, natural resources, and territory;
- c. The right to practice, preserve, and develop cultural, traditional, spiritual, and educational traditions;
- d. The right to self-determination and to ensure the social, cultural, and economic development of the kakisiwew-ochapowace Nation remains intact;

Our official language of kakisiwew-ochapowace Nation is nehiyaw (plains Cree).

3. TREATY RIGHTS

The kakisiwew-ochapowace Citizens, in enacting this ka-miyikowisiyahk (constitution), assert their treaty rights and understandings that include, but are not limited to:

- a) kakisiwew-ochapowace treaty rights are derived from entering into a treaty relationship with the Crown, which are identified as the numbered Treaties 1-11 inclusively;
- b) when the treaty relationship was entered with the Crown on September 15, 1874, by okimaw kakisiwew piyesiw (original name), we assert that the treaties were in addition to the way of life the kakisiwew-ochapowace people had as a sovereign nation; and
- c) the spirit and intent of the treaties, and the relationship with the Crown, are living entities interpreted by the kakisiwew-ochapowace peoples through oral teachings of our ancestors.

4. SELF DETERMINATION

The kakisiwew-ochapowace Citizens, in enacting this ka-miyikowisiyahk, assert the right and understandings to act as a self-determining government which includes but not limited to:

- a) The right to determine and select our own governing bodies;
- b) The right to control our own political, economic, social and cultural development;
- c) The right to control our own citizenship;
- d) The right to collectively protect, use, manage lands and natural resources;
- e) The right to Free, Prior and Informed Consent;
- f) Our rights are protected and affirmed with our Treaty partners.
- g) Our inherent and treaty rights exist independently of any external government or legal system. While outside legal frameworks have acknowledged these rights, they remain first and foremost rooted in our own laws, traditions, and agreements with our Treaty partner.

5. SOVEREIGN AUTHORITY AND JURISDICTION

The kakisiwew-ochapowace Citizens, in enacting this ka-miyikowisiyahk, assert their right and understandings relating to Sovereignty that includes, but is not limited to, the following principles:

- a) kakisiwew-ochapowace is a separate and distinct nation with inherent authority to develop, pass, amend and repeal laws;
- b) written and unwritten laws are required to implement our inherent right to govern ourselves within the context of self-determination;
- c) The kakisiwew-ochapowace Council has the duty to uphold, enforce and defend the Laws of kakisiwew-ochapowace Nation.

6. PROCESS OF LAWS AND/OR BY-LAW

The following procedures will be followed by the kakisiwew-ochapowace government in the approval of kakisiwew-ochapowace laws:

- a) Development of Laws

Council and/or Citizen identifies a need to develop a law
Council mandates priorities of law development
Working group develop/amend a term of reference, a work plan and budget
Working groups drafts/update a law
Consultation with kehte-ayak
Consult with Council
Consultation meetings with kakisiwew-ochapowace citizens
Redraft if required
Review by legal (if required)
Final draft law
Vote by the people
Law signed off by Council

b) Development of By-Law

Council and/or Citizen identifies a need to develop a by-law
Working group develop/amend a term of reference, a work plan and budget
Working groups drafts/update a by-law
Consultation with kehte-ayak
Consult with Council
Consultation meetings with Law Development Working Goup
Redraft if required
Review by legal (if required)
Final draft of by-law
By-law approved by Council

- c) Ensure laws are transcribed into the nehiyaw language and taken to ceremony;
- d) all kakisiwew-ochapowace laws, including this ka-miyikowisiyahk, must be ratified by a minimum of 30% of Eligible Voters.
- e) all kakisiwew-ochapowace laws will be ratified by in person voting and/or on-line voting.
- f) the purpose of the consultation will include:
- i. to create fairness, transparency, and inclusivity;
 - ii. every Citizen will be given the opportunity to provide input/feedback on a kakisiwew-ochapowace law;
 - iii. a copy of the proposed kakisiwew-ochapowace law will be provided to kakisiwew-ochapowace Citizens, prior to the ratification (vote); and
 - iv. every Citizen has the right to vote regardless of residency.
- g) laws, by-laws, and band council resolution include:
- i. definition of Law – a system of rules which regulates kakisiwew-ochapowace systems of governance;
 - ii. all kakisiwew-ochapowace laws require the Law Development Working Group to develop which could include seeking advice/expertise from an outside source;

- iii. a kakisiwew-ochapowace law that protects inherent and treaty rights may be approved in principle by kakisiwew-ochapowace Council motion until a ratification vote is held within a four-to-eight-month time limit following the Process of Law development;
- iv. a by-law/legislation is a law that is passed by a kakisiwew-ochapowace Council motion to regulate the affairs within the kakisiwew-ochapowace lands and territories that does not require ratification by the Citizens; and
- v. kakisiwew-ochapowace Council motion relating to laws must consist of a Band Council Resolution providing them authority to make legally binding decisions.

7. ENFORCEMENT

The kakisiwew-ochapowace Citizens, in enacting this ka-miyikowisiyahk, acknowledge and support the following principles:

- a) the kakisiwew-ochapowace Council possess the responsibility for enforcement of kakisiwew-ochapowace ka-miyikowisiyahk and all other future and current kakisiwew-ochapowace laws.
- b) when the kakisiwew-ochapowace Council are in violation, whether separately or collectively, of this ka-miyikowisiyahk, the Citizens have the right to procedural fairness by the ruling of the kakisiwew-ochapowace Tribunal.

8. AMENDMENTS

The kakisiwew-ochapowace Citizens, in enacting this ka-miyikowisiyahk, acknowledge and support the following principle relating to amending kakisiwew-ochapowace laws, including this ka-miyikowisiyahk:

- a) any amendments that do not take away from the true meaning and intent of the law can be made through kakisiwew-ochapowace Council motion, in the following instances:
 - i. governance issues;
 - ii. grammar and punctuation; and
 - iii. name changes.

- vi. One hundred (100) signatures of eligible voters is required to start the amendment process to any kakisiwew-ochapowace law(s).

9. REGULATIONS

The kakisiwew-ochapowace Council assert that this ka-miyikowisiyahk sets the framework for governance. Any regulatory laws, policies, and procedures that follow will be applied effectively and fairly to uphold the values enshrined in this ka-miyikowisiyahk and ensure the safeguarding of collective and individual rights. No other legislation or rule of law shall supersede this ka-miyikowisiyahk.

10. DEFINITIONS

For the purposes of this Law:

- a) **“Band Council Resolution”** is written resolution signed and adopted by a quorum of Council at a duly convened meeting.
- b) **“By-Law”** is a rule or regulation enacted by kakisiwew-ochapowace Council to govern local matters within their jurisdiction and does not require a ratification vote;
- c) **“Citizen”** a person whose name appears on the kakisiwew-ochapowace citizenship list;
- d) **“Collective”** inclusive of all kakisiwew-ochapowace Citizens;
- e) **“Eligible Voters”** Citizens over the age of eighteen (18) years;
- f) **“Free Prior and Informed Consent”** the process whereby information must be freely provided without pressure, intimidation or manipulation, prior to any authorization to enable the Citizens to make an informed decision;
- g) **“Headperson(s)”** are the elected leaders who are accountable to kakisiwew-ochapowace Citizens and who advocate for the protection of kakisiwew-ochapowace treaty and inherent rights;
- h) **“Inherent Rights** are ancestral rights that the kakisiwew-ochapowace people are born with that are granted by kisê-manitow.
- i) **“ka-miyikowisiyahk”** (the powers given to us) formerly known as the Ochapowace Constitution and is our foundation for governance and guidance.

- j) **“kêhtê-ayak”** (old ones) a group of knowledge keepers and advisors, sixty-five years (65) and older on the kakisiwew-ochapowace citizenship list.
- k) **“kisê-manitow”** (great spirit) creator in nehiyaw language.
- l) **“Lands”** the kakisiwew-ochapowace traditional territory and includes, but is not limited to, those lands that have been set aside for the use and benefit of the kakisiwew-ochapowace;
- m) **“Law”** – is a governing directive that guides our governance, affirms our sovereignty, protects our lands and resources, and ensures the well being of kakisiwew-ochapowace citizens that requires a ratification vote;
- n) **“Natural Laws”** the underlying laws in how the kakisiwew-ochapowace govern themselves as nehiyawak (Cree people).
- o) **“Natural Resources”** are those lands, waters, air, animals, forests, and minerals occurring in the natural world upon the kakisiwew-ochapowace lands all of which rightfully belong to kakisiwew-ochapowace.
- p) **“nawasonikewin-wiyasiwewin”** (Election Law) the process of how we select our leadership, formerly know as the Ochapowace Election Act;
- q) **“okimaw”** (chief) the elected leader who is accountable to kakisiwew-ochapowace Citizens and is also the spokesperson and chairperson of the kakisiwew-ochapowace Council;
- r) **Ratification** – a formal approval process whereby kakisiwew-ochapowace Citizens exercise their right to vote on kakisiwew-ochapowace laws.
- s) **“Sovereignty”** the power to govern without external control; and
- t) **“Tribunal”** a selected neutral body of Citizens who follow and enforce the rules and regulations as set out in the kakisiwew-ochapowace nawasonikewin-wiyasiwewin.

11. ASSENT AND APPROVAL

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 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 kakisiwew-ochapowace ka-miyikowisiyahk for immediate and full implementation from this day forward:

Signed and dated ____ day of _____, 20__

okimaw:

Shelley A. Bear _____

Council:

Headperson Tyler George _____

Headwoman Petra Belanger _____

Headwoman Lynn Bear _____

Headwoman Audrey Isaac _____

Headwoman Marion Still _____

Headman Albert George _____