

## COTE FIRST NATION COMMUNITY CONSTITUTION

### PREAMBLE

The Cote First Nation, of the Anishinaabe, has the inherent right of self-determination that has belonged to us since we were placed on these lands. . These rights flow from the Creator and the people of the Cote First Nation will exercise the full powers of nationhood based on the collective rights and responsibilities of all of our citizens.

We believe that the Creator gave us our Laws, culture, customs and our traditions so that we may live in harmony with nature and mankind. In support of this belief, we endorse the United Nations Declaration of the Rights of Indigenous Peoples and refer to Article 3 and 37 of the Declaration which state:

***Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

***Article 37:** Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.*

Chief Gabriel Cote , on behalf of the people of Cote First Nation, exercised the right of self-determination when he entered into Treaty 4 on September 15, 1874 with the Crown in Right of Great Britain. This Treaty will last forever and continues to uphold our right to the preservation of our language (Anishinaabemowin), culture, traditions, governance, powers, liberty and lands.

This Constitution sets out our governing systems and processes, sets the standards of peaceful and productive relationships amongst our people and between our people and others in this territory and serves to empower our people to live with dignity and pride.

### DECLARATION OF VALUES

The Anishinaabe of Cote First Nation believe that:

1. every citizen of Cote First Nation must be honored and respected;
2. community unity is essential for survival as a Nation;
3. fairness and just treatment is essential to good governance;
4. as stewards of the land, we must harvest the gifts of the Creator in a sustainable manner;
5. family unity must be supported and maintained;
6. freedom of religion and spirituality must be assured, and
7. there must be balance between economic development and environmental protection.

### COLLECTIVE RIGHTS OF COTE FIRST NATION CITIZENS

The collective rights of Cote First Nation citizens include, but are not limited to:

1. the right to govern ourselves and to determine our own destiny, including the right to develop and amend our own Constitution, Laws and governance processes based upon the will of our people,
2. the right to establish and maintain our own form of government in order to provide for the well-being and prosperity of our people, based on fair and equitable treatment,
3. the right to govern and use our traditional territories that include our land, renewable and non-renewable resources, air and water.

#### **INDIVIDUAL RIGHTS OF CITIZENS OF COTE FIRST NATION**

1. citizens have all the rights that are set out in this Constitution and other Cote First Nation Laws, including the right to safety and security of person and property and the right to equity and fairness in accessing programs and services of the Cote First Nation government;
2. male and female citizens are guaranteed equality under this Constitution and other Cote First Nation Laws ;
3. every citizen who is 18 years of age or older, subject to procedures established by Cote First Nation Law, has the right to:
  - a) vote in elections and referenda
  - b) stand as a candidate for public office
  - c) participate in the Cote First Nation Assemblies
  - d) participate in discussions and decisions respecting Laws enacted under this Constitution
4. every Citizen has the right to access information respecting Cote First Nation Law, policies and the operation of the Cote First Nation government.
5. the rights of the citizens shall not be interfered with except as it may be necessary to protect the collective inherent and Treaty rights of the Cote First Nation.

#### **OBLIGATIONS OF CITIZENS OF COTE FIRST NATION**

1. Citizens have the obligation to:
  - a) respect this Constitution as a matter of loyalty and good faith;
  - b) promote the peace, unity and well-being of Cote First Nation;
  - c) participate constructively and responsibly in any Cote First Nation Assemblies and in the governance of Cote First Nation through the system of Council, Boards, Committees or other institutions
  - d) donate time, effort and, where applicable, materials on a volunteer basis for the collective good of the Cote First Nation.

#### **PRINCIPLES OF COTE FIRST NATION GOVERNANCE**

The Cote First Nation government institutions shall carry out their responsibilities in an organized, planned and highly disciplined manner.

The Cote First Nation government shall be guided by the following principles:

1. **Participation** - all citizens of Cote First Nation shall have a voice decisions which affect them, either through the Chief and Council or through community engagement processes, when appropriate;
2. **Consensus building** – Consultation, open discussion and collective decision- making shall be used to build consensus amongst competing interests;
3. **Strategic direction** – leaders and citizens have a broad and long-term strategic plan for community and economic development;
4. **Responsiveness** – the needs of all citizens are served equally through an effective government structure and policy framework;
5. **Effectiveness and efficiency** – the needs of the citizens are met by making the best use of resources through effective planning, efficient administration and constant evaluation.
6. **Accountability** – leaders and citizens are accountable to each other for ensuring transparency, disclosure and redress in all areas of governance;
7. **Equity** – all citizens have equal opportunity to improve or maintain their well-being through programs and services provided by the Cote First Nation government;
8. **Rule of Law** – all citizens of Cote First Nation shall respect and abide by the Laws and policy frameworks that promote stability and are fair and impartial.

## **COMPOSITION AND STRUCTURE OF GOVERNMENT**

Cote First Nation shall be governed by the following bodies:

1. **Citizen Assemblies:** composed of all of the electors of the Cote First Nation, shall meet on a regular basis to receive reports from the Cote First Nation government, to make decisions on matters that require their free, prior and informed consent, such as the passage of Cote First Nation Laws;
2. **The Governing Council:** composed of members who shall be elected to hold office according to Cote First Nation Law and shall be responsible for executive functions of the Cote First Nation government, also under Cote First Nation Law;
3. **The Elders Council:** shall be the senior advisory body to the Governing Council And shall operate under a set of Terms of Reference approved at a Citizen Assembly;

4. **The Boards, Committees and Commissions** of Cote First Nation are appointed and carry out their duties as set out in their various Laws and policies;
5. **The Cote First Nation Administration and Program Staff** are hired through a merit-based process and are accountable for results according to the various program policies and procedures;

### **RULES AND PROCEDURES OF GOVERNING**

The Governing Council shall develop and implement Laws and policies that guide the operations of all governing bodies.

### **JURISDICTION**

The Cote First Nation has the power to pass, amend and repeal Laws, including, but not limited to the following areas:

1. the structure, composition and operation of all government bodies
2. the administration of government, including personnel and financial management
3. leadership selection
4. citizenship and immigration
5. economy, including business development, employment creation, training and economic institutions
6. taxation, including property taxation and licensing
7. education, including K to 12 and post-secondary
8. wildlife habitat and harvesting
9. lands, including water and minerals
10. housing and public works, including highways and transportation
11. health, including traditional and contemporary medicine
12. social development, including families and children
13. sports, culture and recreation
14. justice, including policing, courts and rehabilitation
15. emergency measures, including natural and man-made disasters

16. other Laws as may be required from time to time to implement the inherent right to self-government

Cote First Nation Laws shall set the protocols of entering into agreements with external governments or agencies and shall deal with full, shared or compatible jurisdiction.

### **THE PROCESS OF LAW-MAKING**

Cote First Nation Laws, including amendments and repeals, shall be enacted as follows:

1. the need for a Law is identified;
2. the Governing Council requests approval at a duly-called Assembly to develop the Law;
3. a first draft of the Law is developed;
4. the draft Law is presented to a duly-called Assembly for feedback and direction and re-draft, if necessary;
5. the final draft is taken to a referendum and, if passed, is registered in the Cote First Nation Book of Laws;

### **JUDICIAL POWERS**

As far as possible, the Cote First Nation Laws will be self-regulating in that citizens will abide by the Laws that they have approved.

The Governing Council will develop a dispute resolution process for use in the event of a breach of Cote First Nation law or in the event of a challenge to the application of Cote First Nation Law.

Cote First Nation may enter into agreements with federal or provincial police services and courts to deal with criminal matters.

### **FINANCE AND ASSETS**

The financial affairs and material assets of Cote First Nation will be governed by Cote First Nation Law which sets out the authority, accountability and procedures to be followed by the Cote First Nation government when dealing with financial matters and asset management.

### **CERTIFICATION PROCEDURES**

All governing bodies and programs will be licensed or certified according to the procedures as set out in the relevant Cote First Nation Law.

### **THE SEAL OF COTE FIRST NATION**

The seal of the Cote First Nation shall be affixed to all major transaction. These include conventions, contracts, documents and governing instruments of the Band.

### **COMING INTO EFFECT**

This Constitution will become the law when approved by the citizens through a referendum.

### **AMENDMENTS AND REPEALS**

Amendments or repeal of all or part of this Constitution shall follow the Process of Law Making as set out in this Constitution.