



## The First Nations of Maa-nulth Treaty Society

Huu-ay-aht First Nations | Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations  
Toquaht Nation | Uchucklesaht Tribe | Ucluelet First Nation

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## MAA-NULTH FIRST NATIONS CONSTITUTIONS

May 16, 2007

In the coming weeks each Maa-nulth First Nation will bring its draft “Constitution” to respective members for discussion and review. Following a review of the documents by members, a formal vote on the Constitutions will take place within each First Nation.

This document will give you some brief overview information about Constitutions. If you have not already received information, you will receive more detailed information specific to your First Nations Constitution.



- Over the past 5 to 6 years, each Maa-nulth First Nation has drafted its own Constitution that will be unique to that First Nation
- The Maa-nulth Treaty requires that each First Nation approve its own Constitution before a vote is held on the treaty
- Each First Nation will provide information directly to its own members on its draft Constitution
- Each First Nation will set its own voting date (most First Nations are voting in either June or July)
- An early vote allows members to understand how their governments will operate in a treaty environment
- If approved, First Nations Constitutions will come into effect on the Effective Date of the Treaty

## CONGRATULATIONS TO HUU-AY-AHT FIRST NATIONS !!!

The members of the Huu-ay-aht First Nations voted on their Huu-ay-aht Constitution on April 28, 2007. Members approved (ratified) the Huu-ay-aht Constitution by a resounding 80%!

The voices of Huu-ay-aht youth say:

*“Our Hereditary Chiefs will have a role in our government. For me, it means we will be taking back what was taken from us, and taking back control of our lives” (Derek Peters)*

*“This will be the first time in well over a century that our ultimate law will be created by the very people it governs” (John Jack)*

*“I keep it pretty simple. It was made for us, by us – our Constitution, our future, our vote” (Brittany Johnson)*

*“This is just the beginning of what the future holds for us” (Roland Ginger)*



## OVERVIEW OF CONSTITUTIONS

### What is a Constitution?

- The highest law of the land (all of the laws, policies and procedures eventually brought into force by the Nation must be consistent with the Constitution)
- It is the guarantee that our government makes to the people
- It is the foundation upon which to build a strong government
- It is everything the *Indian Act* is not

### What's in a Constitution?

- Describes who we are and where we come from
- Defines how government will operate including how Ha'wiih and citizens can participate in government
- Defines how the resources of the Nation will be protected and how they can be used (for example lands, resources and finances)
- Sets out the expectations, requirements, and conduct of government officials to act in a manner that benefits the entire Nation and defines the limitations of government
- Identifies how disputes will be resolved

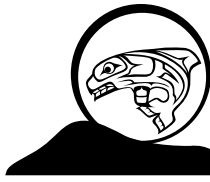
### Why have a Constitution?

- So that we can govern ourselves based on our own values
- So that everyone in our society can understand and be assured of how our society will operate and how we can participate in government and decisions of government
- To lay the foundation for good governance and sound economic growth for our future generations

## *Our own Constitutions*

Maa-nulth First Nations have negotiated a modern-day treaty that recognizes and defines our aboriginal rights and title, and most significantly, will recognize our right to govern ourselves. Each Maa-nulth First Nation must have a Constitution in place before a vote on the treaty is held. Essentially a Constitution is the “rules for our government”. Constitutions must be approved by membership in a formal voting process.

In the coming months, if the treaty is approved by members, we will move away from the *Indian Act* and govern ourselves according to our own Constitutions. The Constitution is our voice and reflects our values, our identity and our rights as self-determining Nations.



***“Governance” under the Indian Act (this really isn’t governance, is it?)  
... An overview of what we’ll leave behind in the Indian Act***

For the last 100-plus years, First Nations people of Canada have been bound by the *Indian Act*, an archaic piece of legislation that literally governs our lives “from birth to death”. This legislation struck at the heart of what was most sacred to our people – our ability to live according to our own values and laws. First Nations people in Canada were not consulted about the *Indian Act*; it has been imposed on us for far too long.

Many people are not aware of the history of the *Indian Act* or its oppressive provisions. For example, the *Indian Act*:

- defines who our citizens are (“Indians” are restricted to those defined in the Act; many First Nations children are not entitled to status under the Indian Act)
- imposes a majority-elected Band Council system on us (ignoring the complex traditional system of government that sustained us for thousands of years)
- places the management of Indians and Indian lands (small “Indian Reserves” which are only a fraction of our traditional territories) in the hands of the Minister of Indian Affairs (we have no say over our own lands)
- constrains economic development opportunities due to the absence of ownership of lands (the system does not allow us to make good business decisions in a timely manner)
- in previous versions, contained extremely oppressive provisions such as:
  - prohibited Indians from practicing the Potlatch and other ceremonies
  - prohibited the collection of money to legally pursue land claims against Canada
  - removed status from some of our members who chose to pursue higher levels of education, defend Canada in war, or married non-Indian spouses
  - prohibited Indians from voting in elections (until 1960 in the case of federal elections)
  - limited the ability of aboriginal people to leave Reserve lands (without written permission from the Minister of Indian Affairs)
  - removed aboriginal children from their homes and families to attend distant government-funded and church-run Indian Residential Schools

While there have been various amendments to the *Indian Act* over the years, the impacts of this single piece of legislation on our people and our Nations remain. Today, the *Indian Act* continues to give the Federal government wide ranging powers over our property, land use, education, health regulations, elections, and justice. The consequences for our Nations and our people have been the loss of economic well being, political power, cultural integrity and spiritual strength.

***By adopting our own Constitutions, we are confident that the Indian Act will become a distant memory for our children and grandchildren who will be in full control of our governments and our Nations.***



***Good-bye Indian Act ... Hello First Nations Constitutions!***

<p align="center"><b>Before Treaty Life under the <i>Indian Act</i></b></p>	<p align="center"><b>After Treaty Life under our own Constitutions</b></p>
<p align="center"><b>Dependent on Government</b> <i>DIA controls everything in our lives ... "from birth to death"</i></p>	<p align="center"><b>Independent</b> <i>Maa-nulth First Nations become independent, self-governing and control our own lives</i></p>
<p align="center"><b>Maa-nulth "Indian Bands"</b> <i>Indian Act imposed Band Council system</i></p>	<p align="center"><b>"Maa-nulth First Nations"</b> Our Constitutions define our own system of government: a combination of hereditary and democratic systems</p>
<p align="center"><b>Accountability is to DIA</b> Band Councils report to and are accountable to the Minister of Indian Affairs</p>	<p align="center"><b>Accountability is to the People</b> Our government is grounded in the People's Assembly and is accountable to citizens</p>
<p align="center"><b>Governed entirely by the <i>Indian Act</i></b> Authority is delegated "By -law" making powers over dogs and noxious weeds (Minister still has final say)</p>	<p align="center"><b>Governed by our Constitutions</b> Our Governments have law-making power over 33 fundamental matters (outlined in the Maa-nulth Treaty)</p>
<p align="center"><b>DIA/Health Canada Programs and Services</b> Continued reduction in health, medical dental, education and child care benefits</p>	<p align="center"><b>Maa-nulth First Nation Services</b> Same level of services available to Maa-nulth-aht, <u>plus</u> ability of government to expand and enhance services to meet the needs of citizens</p>
<p align="center"><b>Government Imposed Solutions</b> Governments in Ottawa make decisions that affect our lives based on what <u>they</u> think is best for us</p>	<p align="center"><b>Maa-nulth community driven solutions</b> We develop our own solutions based on our own needs, culture and values</p>

***The Indian Act or our own Constitutions ... it's our choice !!!***