

**MUNSEE-DELAWARE  
NATION  
CONSTITUTION  
2016**

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# Munsee-Delaware Nation Constitution

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## Preamble

### WHEREAS

We, the people of Munsee-Delaware Nation have existed and used our traditional lands since pre-Confederation time; and,

We, the people of Munsee-Delaware Nation assert our inherent rights over our lands, air, waters and resources which have been given to us by our Creator to manage for our future generations; and,

The Munsee-Delaware Nation people are responsible for preserving and protecting our inherent rights, our values, our languages and our culture for future generations; and,

We have never ceded, surrendered, or extinguished any of our aboriginal title to our lands, air, waters and resources and will continue to assert our rights and interests and to continue to exercise our inherent aboriginal and treaty rights over our traditional territory; and,

Acknowledging that the United Nations recognized the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources when the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* in 2007; and,

Recognizing that *Article 3 of the Declaration on the Rights of Indigenous Peoples* recognizes that indigenous peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and further, that *Article 4 of the Declaration on the Rights of Indigenous Peoples* provides that, Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions; and,

Canada joined other countries in April of 2016 in supporting *the Declaration on the Rights of Indigenous Peoples* and in doing so, reaffirmed its commitment to promoting and protecting the rights of Indigenous peoples in Canada and abroad; and,

That by virtue of section 35 (1) of the *Constitution Act, 1982*, the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed; and,

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*Therefore, through the approval of this Constitution by the people of the Munsee-Delaware Nation, we exercise our inherent aboriginal and treaty rights to govern ourselves and exercise our responsibilities that have been given to us by the Creator and which are recognized and affirmed in section 35 (1) of the *Constitution Act, 1982*, and which are further affirmed and strengthened in accordance with the United Nations *Declaration on the Rights of Indigenous Peoples* in 2007 in order to, among other things, govern ourselves in a way which is reflective of the ways of the Munsee-Delaware Nation and which will ultimately help to build a better future the people of the Munsee-Delaware Nation.*

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## **Citation**

1. This constitution shall be cited as the “Munsee-Delaware Nation Constitution”.

## **Interpretation**

2. In this Constitution,
  - a. “Council” means, along with the Chief, the elected governing body of the Munsee-Delaware Nation;
  - b. “Councillor” means a member of Council elected in accordance with any Munsee-Delaware Nation election law that may be enacted or amended from time to time in accordance with this Constitution;
  - c. “Munsee-Delaware Nation Law” means a law made by the Munsee-Delaware Nation in accordance with this Constitution;

## **Our Fundamental Values and Beliefs**

3. Every Munsee-Delaware Nation citizen shall strive to:
  - a. Preserve, protect and promote the cultural teachings and language of the Big House or Lunaape way of life.
  - b. preserve, protect and promote the betterment of our people, our lands, air, waters and resources;
  - c. preserve, protect and promote respect for our rights, values, language, culture and history;
  - d. promote the spiritual and physical well-being of our citizens;
  - e. promote positive and healthy communications between our people and with our government; and,
  - f. carry out any function, activity or responsibility as may be necessary for the betterment and future prosperity of Munsee-Delaware Nation.

## **Supreme Law of the Munsee-Delaware Nation**

4. This Constitution shall be the supreme law of the Munsee-Delaware Nation and all other laws of the Munsee-Delaware Nation shall be consistent with this Constitution.
5. If there is an inconsistency or conflict between this Constitution and any Munsee-Delaware Nation Law, this Constitution shall prevail to the extent of any conflict or inconsistency.

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## **Government of the Munsee-Delaware Nation**

### **The Chief and Council**

6. The Munsee-Delaware Nation shall be governed by a Chief and Council elected in accordance with Munsee-Delaware Nation election law and in accordance with this Constitution. Each representative of the Chief and Council must be a citizen of the Munsee-Delaware Nation.

### **Advisory Councils, Boards and Committees**

7. The Munsee-Delaware Nation may establish any committees, boards and advisory councils it deems necessary to assist with the effective governance of the Munsee-Delaware Nation and may delegate any powers and authorities to any committees, boards, or advisory councils except the power to enact laws.

### **The Law Making Powers of the Munsee-Delaware Nation**

8. The Munsee-Delaware Nation has the inherent right bestowed to it by the Creator to enact any laws it believes are necessary in order to protect and preserve our culture, to protect our lands, air, waters and resources, our language, customs, traditions and practices, and which ultimately help to improve the quality of life for the citizens of Munsee-Delaware Nation.
9. The power of the Munsee-Delaware Nation to enact any laws in accordance with this Constitution shall only be exercised by the Chief and Council.
10. Each law enacted must be demonstrably shown to be for the betterment of the people of the Munsee-Delaware Nation and in furtherance of the purpose set out in section 8 above.

### **Munsee-Delaware Nation Laws Requiring Approval by Eligible Voters of the Munsee-Delaware Nation**

- 12.0 The following kinds of laws require approval by eligible voters of the Munsee-Delaware Nation:
  - a. Munsee-Delaware election laws or amendments to them;
  - b. Munsee-Delaware Nation citizenship laws;
  - c. Any other laws that the Chief and Council by unanimous resolution, decides to approve through a vote by the eligible voters of the Munsee-Delaware Nation;

## How Munsee-Delaware Nation Laws Are Made

- 13.0 A draft law may be introduced at any meeting of Chief and Council by:
- a.
  - b. the Chief; or
  - c. a Councillor(s); or
  - d. by citizens of the Munsee-Delaware Nation who have submitted a written petition with the names of at least twenty-five (25%) percent of all eligible voters;
- 13.1 No draft law may be introduced until two (2) months after a Council has been elected into office;
- 13.2 All draft laws shall be presented and read at a minimum of two (2) meetings of Chief and Council and which shall be open to the citizens of the Munsee-Delaware Nation to attend and all draft laws must be presented at, at least one community meeting;
- 13.3 A law shall be considered validly enacted after:
- a. it has been introduced in Council and presented with the citizens at a community meeting in accordance with sub-section 13.2 above; or
  - b. it has been approved by the eligible voters as required by subsection 12.0; and,
  - c. it has been passed by a majority of Council in accordance with its rules and procedures;
  - d. An official copy of the law has been registered in the Munsee-Delaware Nation registry of laws; and,
  - e. after any other action as may be necessary to carry out the intent of the law has been taken.

## Power to Establish Any Judicial Institutions

14.0 The Munsee-Delaware Nation may establish any traditional or restorative justice processes, tribunals, panels, services or courts it deems necessary to provide for the effective administration and enforcement of its laws and to provide mechanisms for the appeal of any of its decisions or laws.

14.1 The Munsee-Delaware Nation may establish any rules and procedures for the effective operation and management of any of the judicial institutions set out in subsection 14.0 above.

## **Financial Accountability of the Munsee-Delaware Nation**

15.0 The Munsee-Delaware Nation Chief and Council shall hold at least one community meeting by the end of February of each fiscal year to allow its citizens to review the draft budget of the Munsee-Delaware Nation for that fiscal year.

15.1 The Munsee-Delaware Nation Chief and Council shall table and pass a draft budget each fiscal year no later than thirty (30) days after the community meeting is held in accordance with 15.0 above.

15.2 The Munsee-Delaware Nation Chief and Council shall hold at least one community meeting to present and review the audited financial statements of the Munsee-Delaware Nation each fiscal year.

## **Rights and Freedoms of the Citizens of the Munsee-Delaware Nation and Application of the Canadian Charter of Rights and Freedoms**

16.0 Every citizen of the Munsee-Delaware Nation shall be entitled to enjoy all of the rights and freedoms guaranteed in the *Canadian Charter of Rights and Freedoms*.

## **All Rights and Freedoms Guaranteed Shall be Subject to Reasonable Limits**

17.0 This Constitution guarantees the rights and freedoms that are set out in it subject only to any reasonable limits that are set out in Munsee-Delaware Nation law that can be demonstrably justified to protect the collective interests of the Munsee-Delaware Nation.

## **Concurrent Application of Federal and Provincial Laws**

18.0 For greater certainty, all federal and provincial laws shall operate concurrently and shall continue in force until displaced by Munsee-Delaware Nation laws.

## **Amendment Procedure for this Constitution**

- 20.0 An amendment to this Constitution may be initiated by:
- a. Chief and Council passing a resolution proposing an amendment; or,
  - b. the presentation of a written petition request proposing an amendment to Chief and Council signed by at least twenty-five (25%) of the eligible voters at the time of the petition.
- 20.1 Upon receipt of the written request or passage of the resolution identified in section 20.0 (a) or (b) the Chief and Council shall ensure draft amendments are developed for a vote on the proposed Constitution amendment.
- 20.2 Prior to conducting a referendum on the proposed Constitution amendment, the Chief and Council shall ensure there is a community consultation meeting on the proposed amendment within ninety (90) days after the receipt of the written request or passage of the resolution identified in section 20.0.
- 20.3 The Chief and Council will consider any input from the community consultation meeting(s) and then determine whether to proceed with the proposed draft amendment or change the wording of the proposed amendment based on the input received.
- 20.4 The Chief and Council must, by resolution at least thirty (30) business days prior to the referendum:
- a. set a date for the referendum;
  - b. appoint the Electoral Officer to conduct the referendum;
  - c. send notices of the referendum to the Eligible Voters.
- 20.5 The referendum must occur within thirty (30) days of the end of the community consultation period.
- 20.6 At least 15% of all eligible voters must participate in any referendum to approve and amend this Consultation to be valid.
- 20.7 If at least 60% plus of the 15% of eligible voters vote in favor of the proposed amendment, the Constitution shall be amended accordingly.
- 20.8 All amendments to this Constitution must be published by the Chief and Council.