



L A K E B A B I N E N A T I O N

What should be in an LBN Constitution?





Introduction

The purpose of this brochure is to show what could be in an LBN Constitution. To write an LBN Constitution that has real meaning, we will need your ideas and input. We will add this input into the working draft of the Constitution and share it with leadership and community members. This will help us create a model for good governance.



Preamble

The preamble will be unique to the LBN. It sets the tone for what is to come. It should be simple, elegant, tell a brief story of who the LBN people are and set out a vision for the future.

Membership

There should be a short statement of who is entitled to be an LBN member. It could say something like:

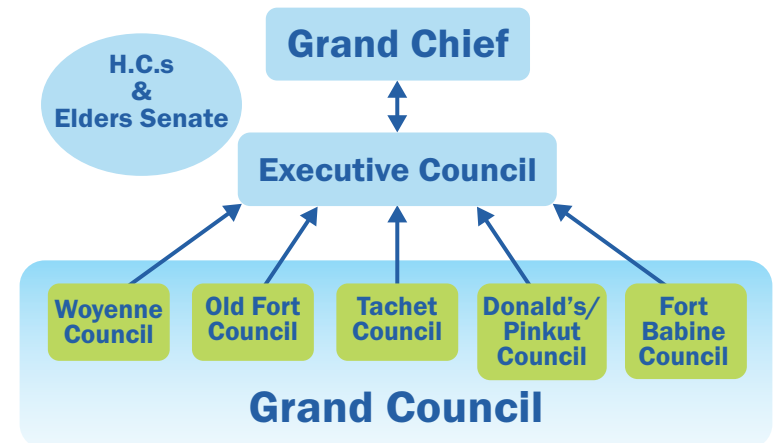
- An individual is entitled to be an LBN member if that individual:*
- Is of LBN ancestry*
 - Was registered or entitled to be registered in the LBN Indian Band, or*
 - Meets the criteria for membership according to LBN tradition*

Rights and Responsibilities

Some Constitutions have statements on the rights and responsibilities of its people, or a “Bill of Rights”. For example, the Canadian Constitution has a Charter of Rights and Freedoms. An LBN Constitution should have a Bill of Rights that would set out the rights of our people and deal with issues like equal access to services and the right to be treated fairly by our government.

Structure of Government

There has been a good deal of work completed on a Grand Council of the Lake Babine Nation. Community input will help create the details, but the framework for the Grand Council may look something like this:





Right now the LBN is governed by an elected Chief and Council. There are a total of 10 Councilors including the Chief.

Like all governments, the LBN Chief and Council have three different duties: The first is managing our government, the second is to pass laws, and the third is having the final say over governmental decisions. Under the Indian Act, these duties are all done by one group (Chief and Council).

It is a good idea to have a government that separates these duties to have good checks and balances.

The Executive Body could be chosen by the head of the government (Chief), from members of the Legislative Body, or, as necessary, by other people who have related experience. In the Grand Council Model, the Executive Body consists of the Grand Chief and one representative from each of the communities. We'll have to think about if we need to have more representatives for off-reserve people. This is something we will have to talk about.

The Legislative Body is the group that makes laws. This would be larger than the Executive Body. In the Grand Council model, there could be several representatives from each community. For a community our size, a Legislative Body of between 10-20 members would make sense.

In Canada, the Senate is a non-elected group, but it reviews laws passed by the Legislative Body. In the Grand Council model, the Senate could be made up of hereditary chiefs. We will have to determine how many hereditary chiefs will be on the Senate and how they will be elected or appointed.

There is also an idea for a LBN Justice Tribunal to resolve disputes challenging LBN laws, challenging the administrative decisions of the LBN government, and resolving disputes between the hereditary and elected leadership.

Law Making Authority

The Constitution will say how the legislature can make laws. Currently, Chief and Council can enact by-laws under the Indian Act.

Our Constitution could say that LBN has:

The inherent right to make laws including the exercise of authority provide under any federal or provincial legislation or any agreement entered into by LBN with the Crown

The Constitution should also set a process for making laws. For example, it may be that laws should be talked about publicly or “read” 3 times in public meetings before they can be accepted as laws. This would allow LBN people to watch the law making process and to know how the government works. The role of the Senate in the law-making process will also have to be decided.

The Constitution should also say what kind of relationship the community governments will have with the Grand Council. Generally, the communities would only have management over things that directly affect them, including community land management and the ability to raise local revenues.

Elections and Appointments

The LBN Constitution will also require that there be elections on a regular basis, and say how we will choose representatives to the Senate. The Constitution could also have minimum requirements for LBN people who wish to be a part of the government. This could include things like “no criminal record” and set an age limit. The Constitution will also include how often there should be elections.

Financial Accountability

Financial accountability has been an important part of the discussions in LBN community meetings. A Constitution should have requirements for financial accountability, but it should also be flexible. A system will have to be made to carefully manage the money. Also, a Finance Committee, or a Financial Management Board will need to be put together to watch over the financial operations of the government.

Land Management

The Constitution will have to make sure that there is a way to protect our land. At the same time, land is also a valuable economic tool. The Constitution will have to have the right balance in order to protect the land for our people but also allow the land to be used for economic development in order to create wealth. The Constitution could require that a Land Management Act be put in place that will deal with issues like:

- Protection of LBN Lands for LBN people
- Sale of Lands to people who are not LBN
- Developing LBN Lands and Land Use Plans
- An Approval Process
- Things that will require referendum

Conflict of Interest

The reason for conflict of interest rules is to make sure that the people who work for the government do not put themselves in situations where their personal interests could interfere with their jobs. The LBN Constitution will deal with Conflicts of Interest.

We will have to make a Conflict of Interest law for employees and elected officials. The Constitution will have to make it clear that the Conflict of Interest rules apply to everyone who works for or represents LBN, including the Hereditary Chiefs.

Adoption of existing LBN Laws

In some cases, LBN will already have laws. These will have to be accepted by the new government and re-enacted.

Ratification

Ratification is the way of approving the Constitution. It may be that any band member of voting age should vote on the Constitution.

The LBN Constitution might say:

This Constitution shall be ratified in a referendum in which at least 50% plus 1 eligible voters who vote, to approve this Constitution.

Amendments

Changes to the Constitution could be made by an official vote.





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