



Songhees Nation

Constitution Development

Self-governance: Our Rules to Live By



SACRED AND SOVEREIGN

The Songhees Nation is working to restore its jurisdiction and lay a foundation for self-governance through the development of a Songhees Nation Constitution.

We seek to implement this project in an atmosphere of respect that acknowledges the value of this process. A constitution developed by the citizens, for the citizens will establish a solid foundation of self-determination for the improvement of social, cultural and economic conditions, and overall health and wellbeing within our community.

Thank you to Cheryl Alexander of Wild Awake Images for the use of her image as the cover photo.

BACKGROUND

The Songhees Nation has always had constitutional principles. As we are traditionally an oral people we have not written them down. This step of writing a constitution helps to formally recognize and protect parts of the way of life of our people, to pass down for generations to come, and also to communicate this to others.

Songhees Nation previously started working on a constitution in the early 2000's but it was not completed or brought to a vote. We are reviewing that draft as part of this process. The Lekwungen people have graced the coast of Vancouver Island since time immemorial. We can use the guiding principles of our ancestors to manage precious resources and keep spiritual, mental, emotional, physical balance and connection with Mother Earth and protect what is sacred to the Creator. Our people once governed without outside intervention. Since then, too much has changed. Our communities have struggled to maintain our beliefs, principles, and values while under the control of the Department of Indian Affairs. The authority to govern ourselves has been hindered and now our lives are greatly affected by the effects of these interventions. Our current governance structure has been imposed and this is not acceptable. We must act now, unite together, and participate in rebuilding our Nation for the future.

We must connect our web of history to this modern way of life and we must do so on our own terms. We will develop this document together to meet our needs and our goals. It can be a powerful tool for change. We can use this constitution to serve as a foundation for our people in consideration of the past, the present, and the future. The constitution must fairly reflect our youth, elders, women, politics, religion, legends and traditions. *This is an opportune time for Songhees Nation, where we can grow, learn together and bring forward the true spirit of our community.*



This constitution can serve as a foundation for our people in consideration of the past, the present and the future.

The aim of the Songhees Constitution is to establish general principles that are built to last. We may reference the need to pass a law on a certain topic without specific details as to what the law will say. That way the law can be changed as needed without having to change the constitution itself, which can be a challenging task. This booklet does not attempt to cover everything that may be included in the Songhees Constitution, but rather it is an introduction to some of the major features.

While the content of our constitution will be unique to the Songhees Nation, some common features that would be beneficial to include have been identified by nations who have gone before us in this process. We can use these as a guide as we get started. The following sections will detail some of these features. In these sections you will be asked questions, the answers you share will be kept anonymous and reviewed by the Songhees Constitution Committee.



What is a constitution, what can it do, and why do we want one?

A constitution is a document that explains how a government will function. Developing a constitution for the Songhees Nation is an important step towards self-governance. Currently, many things require approval or funding from the federal government. This is often a barrier preventing the Songhees from doing things the community wants. Under self-governance we will be independent. We must now decide for ourselves what our government will look like. Under a modern treaty, the Indian Act government system would no longer apply to us; instead, we will create a system that will meet our needs and run according to our values. The Songhees Constitution will become the Songhees' highest law. Our Songhees Constitution will include a statement of the core values, culture, beliefs, and principles of our nation. These principles can be used to guide the everyday life of our citizens and also provide rules and responsibilities for leaders and government employees to live by.



The Songhees Constitution will include a statement of the core values, beliefs, and principles of our nation.

Our constitution will address important topics including how decision makers are elected, how laws are made and enforced, and how leaders are held accountable to the citizens. While our constitution does have some requirements, there is also flexibility for us to choose what we may want to include, or not include. This is an opportunity to have rules and guidelines to follow that are chosen by the Songhees community and reflect our values. In this way, the citizens who would be affected will be involved in making decisions for themselves and future generations. Our goal is to map out a system of self-governance.

WE NEED YOUR INPUT!



INVOLVEMENT AND ENGAGEMENT

In order to be strong and effective, the constitution must be developed by the citizens of this community, which means you!

We can't do this without you.

A Constitution Committee has already been created to involve the Songhees community members in drafting the constitution for our nation. With this booklet, we will reach out to members and attend meetings where we can connect with members about what is important to them for our future.

We are coming to you to ensure that your thoughts and opinions are heard. As we build the constitution, we will continue to involve the community throughout the process. We aim to have the work substantially completed in 2021. When the community feels the constitution is ready, it will go to a vote and everyone will have an equal say. If it is not ready, it will continue to be reviewed and things will be added or removed as needed. A constitution is required for self-governance, with or without a treaty.

We can use the Songhees Constitution to govern ourselves when we are ready.

Songhees community members will have the opportunity to participate not only through home visits but also at community meetings and online. A Songhees community fieldworker will be available to listen to your input and help you to obtain answers to your questions. The Songhees Constitution Committee has been appointed from members of the community to act as a steering group and provide focused input on the constitution.



**Currently our nation is officially known
as the Songhees Nation.**

What do you think our nation should be called?

1. Songhees
2. Lekwungen
3. Songhees (Lekwungen)
4. Lekwungen (Songhees)

For this booklet, we will use the current term “Songhees.”

PREAMBLE

A preamble is an introductory statement that guides the interpretation of the document. A preamble provides context and explanation. In this section we could express who we are, where we come from and what is important to us.



Five members of the Songhees council, left to right: Jimmy Johnny, Thomas George, Chief Michael Cooper, William Robert and James Fraser
RBCM PN6878

Songhees Declaration Example

We are known as the Songhees Nation. We are descendants of the Lekwungen people. Through this constitution we declare our identity, our sovereignty, our jurisdiction, and our right of self-determination.

We have occupied and benefited from our homeland since time immemorial. The Creator placed our ancestors in our territory, to care for lands, people, laws, history, and spiritual beliefs, for future generations. Our people have practiced a traditional system of governance for thousands of years, through which we have established and followed traditional laws regarding environmental, social, and political matters. We have never surrendered our sovereignty or our jurisdiction over our land and resources.

The foundation of our jurisdiction and right of self-governance flows from our unceded Aboriginal title and rights and is reinforced through the Douglas Treaties to which our ancestors were signatories in 1850.

We are Lekwungen peoples and our heritage, history and culture are tied to our homeland. We speak the Lekwungen language and practice Lekwungen culture and traditions. We honour and respect our ancestors and elders, through whom

this knowledge is passed down. We will continue to seek their wisdom and guidance as we make decisions under this constitution. We also acknowledge our youth, without whom our traditions and practices will cease.

We implement this constitution to protect our lands, language, culture and resources, and ensure harmony and prosperity for our people, for present and future generations.

This is the declaration we propose to use in the Songhees Constitution, do you have any feedback?



Would you suggest any changes to the following list of the four pillars or fundamental values?

This constitution is founded on the four pillars of the Lekwungen culture:

1. language;
2. culture;
3. respect; and
4. spirituality.



This constitution is based on the fundamental values of:

1. family;
2. hospitality;
3. honour and respect for the wisdom and teachings of our ancestors and elders;
4. maintaining our connection to our lands and the resources within our homeland;
5. the responsible and sustainable stewardship of our lands, waters, air and resources;
6. our collective right of self-determination;
7. respect for the principles of fairness and accountability;
8. respect for the Aboriginal and treaty rights of other nations;
9. respect for inter-tribal protocols with other nations; and
10. dignity of and respect for each individual.



RIGHTS AND FREEDOMS

Rights and freedoms can usually be broken down into three categories:

1. Protect the **individual**; such as I have the freedom to choose my own religion or I have the right to vote as an individual.
2. **Equal and fair treatment**; such as the right to an education, equal access to health care or financial aid, fair and equal treatment by our government.
3. Rights that are **collectively held** by the people; such as the right to a healthy environment and freedom to continue to participate in cultural practices.

Note: The Canadian Charter of Rights and Freedoms will still apply to our Nation, this includes things like the right to freedom of religion and freedom of speech but we can list other things we think are important to include.

If you would like to know more about what is included in the Canadian Charter of Rights and Freedoms here is a link:
<https://laws-lois.justice.gc.ca/eng/const/page-15.html>

Examples of rights, freedoms and responsibilities we could include are:

- the right to practice, protect and promote Lekwungen culture, language, traditions and teachings;
- the right to enter, remain on and leave the Nation's Land;
- the right to privacy and to the protection of personal information; and
- the right to equal access to programs and services delivered by the nation.

Are there specific rights, freedoms and responsibilities you think are important to acknowledge in the Songhees Constitution?



CITIZENSHIP

We will also need a Citizenship Code that defines who may be considered a citizen of the Songhees Nation. Examples of citizenship eligibility requirements include:

- Enrolled under treaty/registered on the band list;
- Adopted by a Songhees Citizen;
- Descendant of a Songhees Citizen; and
- Meets the criteria of Songhees citizenship laws (This would leave an option to create laws in the future without having to change the constitution, as the steps involved in changing the constitution are challenging).

What do you think are important issues to address about Songhees citizenship requirements?

Example: Who I choose to marry should have no effect on my citizenship, or my children's.

Should some of the rights and freedoms we decide on be extended to non-citizens living on our lands?

Note: Only people who are Songhees Citizens would be able to vote in elections.



GOVERNANCE

This section will provide details about our Songhees government structure, how elected leadership will function, what they will be expected to do and how laws will be made.

We have many options for determining the structure of our government. We currently have a structure of Chief and Council, however in our Songhees Nation Constitution we can choose to:

- keep the existing Indian Act governance structure;
- modify the existing governance structure;
- revert to a traditional form of governance;
- modify our traditional form of governance; or
- create something new.

Note: under treaty, whatever governance structure we choose must involve democratic elections.



There are a wide variety of examples of options, even the terms “Chief” and “Council” could be changed. We can involve Elders, youth, off-reserve citizens, and have representation for non-citizens living on the nation’s lands. Here are some examples of government structures:

- There could be an Elder Council or an Elder’s seat on council that advises the council.
- Family groups could each elect a head of household representative to sit on council.
- The proposed structure in the draft Songhees Constitution consists of a Legislative Branch, which would be responsible for law-making activities and considering the advice of any advisory body: and the Executive Branch, which would be responsible for everything not done by the Legislative Branch, including directing programs and services and enforcing and applying laws.
- The current draft constitution lays out a portfolio system which requires all programs and services provided by the Nation be assigned to a governance portfolio which would be the responsibility of a Minister.

The portfolios may include:

- Health
- Education
- Economic development
- Treaty
- Lands and resources
- Finance
- Cultural and community development
- Housing and capital projects
- Inter-governmental relations



What would you like to see in the Songhees government structure?

The government can always lean on advisory committees when making decisions, would you like advisory groups to be:

- a) required under the constitution; or
- b) allow advisory groups to be formed informally.

Are you happy with elections every 4 years?

- a) Yes
- b) No, I would like to see elections held every ____ years (Must be at least every 2 years and cannot be longer than every 5 years).



What would you like to see as eligibility requirements for running for office?

Example: Candidates must be 18 years of age or older, candidates must pay a fee to run, candidates must live in the area.

We could also include Principles of Governance, a Code of Conduct, or both.

What is the key information that needs to be available to the citizens to ensure the Songhees government is accountable?

Example: I want to know what our government's money is being spent on or I want to know about any sales or leases of our Nation's lands.

Should there be a process for removing elected officials?

Should we require the government to report on annual community strategic initiatives?

While there are a lot of important topics to address in a constitution, it doesn't have to be too complicated we can keep it simple! Some constitutions are 10 pages long and some are 80.

A strong constitution will establish general principles that can be followed for generations to come while still allowing for flexibility in the formation of future laws. The creation of laws can add specific details or be changed as new situations arise.

For example, if it is important to citizens that our lands are protected and we want to address that in the constitution we could say: There will be laws on how our lands will be managed.

When we say there will be a law for our Nation to follow on issues such as land, this will then require our government, elected leaders and administration to refer to our Nation's law. These laws will list specific steps to follow when managing our land.

We must write down how we will make laws and also how those laws could be changed.

How do you think laws should be made?

Example: Laws affecting land use must be introduced and debated by government. Citizens must then be provided a reasonable opportunity to review and comment on the proposed law, including advertising of public notices and direct notification of persons directly affected by the proposed law. A public meeting must then be held and citizen input considered before the proposed law can be finally adopted and brought into effect.

What should be the process for citizens to propose a law?

Example: If a petition proposing a new law or amendment is signed by 20% of eligible voters then the government is required to either adopt this proposal or put it to a community vote by referendum.

What steps should be required before a law can be changed?



GENERAL PROVISIONS

This section could include matters that affect the interpretation of the constitution, how the constitution will be brought into effect, how it can be changed after it is brought into effect and what would happen during the transition into self-governance.

We must provide eligible voters a reasonable opportunity to view the drafted Songhees Constitution. Before the constitution is brought into effect, there must be a vote by way of a secret ballot so you can choose to privately say if you want or don't want to adopt the constitution. In order for the Songhees Constitution to pass there must be a majority of eligible voters that vote in favour of the constitution.

A majority could be anywhere from 51%-100%. This process is called ratification. Our aim would be to have broad support from the community for such an important document. It will likely not be possible to achieve 100% support.

What would be an acceptable majority vote to you? (This question is in reference to voting on the Songhees Constitution).

We would need to describe a process for changing the constitution after it has been adopted, this is called an amendment process, and how a proposed amendment to the constitution would be initiated.

Example: We could say an amendment could be initiated by a citizens petition with over 50 signatures; or, if the Chief and all councillors agree on an amendment then it would be put to a citizens vote.

We need to find a balance between making a process that requires broad support and allowing for change to happen when it is needed!

What do you think the process for changing the constitution should include?



LAND AND RESOURCES

Do you have any suggestions for things to be put in the constitution to ensure that the Nation's lands are protected for future generations?

Do you have any suggestions for things to be put in the constitution to ensure that resources are protected for future generations?



PRINCIPLES OF GOVERNANCE

Do you have any suggestions for principles of governance that would guide our elected officials in making decisions, for example: treat everyone fairly, mutual respect, preserve our culture?

GENERAL ASSEMBLIES

Is it important to have a minimum number of General Assemblies (community meetings) that must be held every year? If so, how many?



Thank you for participating in this process we will be making all efforts to keep you informed as we put together this information and draft the constitution.

The answers you've shared will be reviewed anonymously by the Constitution Committee to help them make decisions but they will not know exactly who said what.

If you have any questions or think of anything you would like to add to the answers you gave today please contact us at:



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