

SAGKEENG FIRST NATION
SAGKEENG LAWMAKERS ASSEMBLY

DIBAAKONIGEWIN

THE JUSTICE LAW

Ratified: October 20, 2018

WHEREAS

The Creator made the Anicinabek responsible for our own governance and gave to the Anicinabek the responsibility of caring for each other and the world around us;

The Creator gave to the Anicinabek Seven Teachings, which guide our governance and our conception of justice: Love and Respect, Truth and Honesty, Humility and Courage, and Wisdom;

Prior to the imposition of Crown Law, justice between the Anicinabek and within the territory of the Anicinabek was based on the Seven Teachings;

Since making Treaty, the Crown has imposed its system of justice on the Anicinabek; this system is not based on the Seven Teachings and does not reflect the values and ways of life of the Anicinabek;

By reviving our Anicinabek system of justice through this Law, we make a conscious decision, as a people, to prioritize systems which will protect the Anicinabek for seven generations, which will promote respect rather than punishment, and which will heal, not divide.

THEREFORE the Anicinabek, upon the direction of the Lawmakers Assembly, with advice from the Councils and with the benefit of public consultation, and upon acceptance by the Lawmakers Assembly, make this law:

NAME

1. This law shall be known as the Dibaakonigewin.
 - (a) This law may also be referred to by its English name, The Sagkeeng Justice Law.

DEFINITIONS

2. In this law, the following words and phrases have the meanings set out herein;
 - (a) “Anicinabek” refers to the Anishinaabe people of Sagkeeng.
 - (b) “Anishinaabemowin” refers to the language of the Anicinabek.

- (c) “Crown Courts” refers to any court established by the Constitution of Canada or legislation of any province of Canada including the Federal Court, Manitoba Court of Appeal, Manitoba Court of Queen’s Bench and Manitoba Provincial Court, and the Courts of Appeal, Superior Courts, and Provincial Courts of all other Canadian jurisdictions.
 - (d) Dibaakonige-ogimakanak refers to members of the Judicial Council, and Dibaakonige-ogima refers to any one member of the Judicial Council.
 - (e) “Issue” refers to the subject matter of a Statement of Issue for determination by the Judicial Council.
 - (f) “Laws of Sagkeeng” refers to all laws which are in force pursuant to the *Sagkeeng Onakonigawin*;
 - (g) “Party” or “Parties” refers to a person or persons, including companies and other entities, who have submitted a Statement of Issue, who have been accepted as Impacted Parties or who have been accepted as Commenting Parties;
 - (h) “Representative” refers to a person who speaks on behalf of a Party or Parties, and who may be (but need not be) a lawyer.
 - (i) “Statement of Issue” refers to the form by which a Party may bring a question or issue before the Judicial Council for consideration.
3. Any term not defined herein, but which is defined in another law of Sagkeeng, has the meaning given to it in that law.

INTERPRETIVE PROVISIONS

4. This Law, and every section of this Law, shall be interpreted so as to give the greatest effect to the objectives of this Law, which are:
- (a) To resolve disputes between the Anicinabek in a manner which promotes healing and respect for the Seven Teachings;

- (b) To maintain peace and harmony in the Traditional Territory and Ancestral Lands of the Anicinabek;
 - (c) To interpret the laws of the Anicinabek; and
 - (d) To enhance and protect the inherent sovereignty of the Anicinabek.
5. The Anicinabek were, are and always have been, sovereign and self-determining and have never given up the right to govern ourselves within our territory. This law and the institutions established by this law are an expression of that inherent right.

JURISDICTION AND APPLICATION

6. This law applies to all laws and regulations of Sagkeeng and any matter arising out of the laws and regulations of Sagkeeng.
7. The Dibaakonigewin is subject only to the *Sagkeeng Onakonigawin*, and all other laws of Sagkeeng are subordinate to this law. No laws should be inconsistent with Dibaakonigewin or Onakonigawin.

SAGKEENG JUDICIAL COUNCIL

8. The Judicial Council is hereby established, as the modern living form of the traditional dispute resolution mechanisms of the Anicinabek.
9. The Judicial Council has the exclusive jurisdiction to hear, consider and determine questions arising out of the laws and regulations of Sagkeeng, and to interpret the laws and regulations of Sagkeeng.
- (a) Except where explicitly stated in a law of Sagkeeng, no Court other than the Judicial Council has the authority or jurisdiction to interpret a law of Sagkeeng or determine a question arising therefrom.
10. Any member of the Anicinabek may bring a matter to the Judicial Council as a matter of right.

11. Any person who is not a member of the Anicinabek, but who is directly impacted by a law of Sagkeeng or decision of the Judicial Council may seek leave to bring their matter before the Judicial Council, in Form 11.
12. The Judicial Council is independent from the Executive Council and Lawmakers Assembly.
13. The Judicial Council shall consist of five (5) members, each of whom shall be called a Dibaakonige-ogima, and one Advisor.
14. The Executive Council shall ensure that the Judicial Council has sufficient resources to fulfill its responsibilities each year.

DIBAAKONIGE-OGIMA

15. The Judicial Council shall be made up of five Dibaakonige-ogimakanak and one Advisor.
16. Dibaakonige-ogimakanak shall be selected as described in this section.
 - (a) All interested and qualified persons shall, 120 days prior to the Election Day submit an Expression of Interest in Form 15A to the Electoral Officer.
 - (i) In their Expression of Interest, each person who is interested in becoming a Dibaakonige-ogima shall set out, in detail, their qualifications, the reason for their interest in the position, and the reasons why, in their opinion, they should be chosen.
 - (b) Not less than 60 days prior to the Election Day, the Executive Council and Delegates Council (“the Councils”) shall meet in an open, joint session to consider all of the Expressions of Interest as part of a public process.
 - (c) From the submitted Expressions of Interest, the Councils shall by consensus choose no fewer than two and no more than three interested and qualified persons per open position. The persons chosen shall be deemed the Nominees for the open positions of Dibaakonige-ogimakanak.
 - (i) There shall be no appeal from the decision of the Councils in the section.

- (ii) In choosing the nominees, the Elders' Delegate shall advise the other members of the Councils, shall share their wisdom. If the Elders' Delegate opposes the selection of any applicants as Nominees, those applicants shall not be chosen.
 - (d) In choosing Nominees from the Expressions of Interest, the Councils shall consider all relevant factors and information available to them, whether or not that information was contained within the Expressions of Interest or made available to them in any other way, and they shall have particular regard to:
 - (i) Ensuring that the Judicial Council represents the diversity of Sagkeeng, including but not limited to diversity of age and gender.
 - (ii) Education and life experience;
 - (iii) Knowledge of Sagkeeng's history, culture and traditions;
 - (iv) Relevant experience and qualifications.
 - (v) Any other factors the Councils deem relevant.
 - (e) The election of Dibaakonige-ogima shall take place at the same time as the election for the Executive Council conducted pursuant to the Election Law.
 - (i) All of the nominees for Dibaakonige-ogima selected pursuant to section 16(c) shall appear on a ballot separate from the ballot for the Executive Council, and each elector who receives a ballot for Executive Council shall also receive a ballot for Dibaakonige-ogima, including those Electors voting by mail ballot.
 - (f) Where this Law is silent on any aspect of the election process, the rules which apply to the election of the Executive Council pursuant to the Kākēkanāwok Onakonigawin (Election Law) shall apply.
17. Dibaakonige-ogima shall hold office for eight (8) years, subject section 18 of this Law.
- (a) Dibaakonige-ogima may be re-elected one time only.
 - (i) Dibaakonige-ogima seeking re-election must be Nominated and Elected in the same manner as any other person.

- (b) Subject to section 18, any person who has been elected Dibaakonige-ogima twice, whether or not they serve a full term, may not be chosen as a Nominee thereafter.
18. In the first election in which Dibaakonige-ogima are elected, the three Dibaakonige-ogima who receive the most votes shall serve a full term of eight years, and the Dibaakonige-ogima who receive the fourth and fifth most votes shall serve a term of four years.
- (a) The Dibaakonige-ogima who are elected with the fourth and fifth most votes in the first election shall be eligible to be re-elected twice, notwithstanding section 17.
19. Dibaakonige-ogima shall maintain the highest standard of ethical and moral behaviour and must avoid conflicts of interest and bias, and the appearance of conflicts of interest and bias.
20. Subject to section 27 of this Law, in order to be a Dibaakonige-ogima, one must;
- (a) Be a member of the Anicinabek;
 - (b) Be at least 21 years of age;
 - (c) Not be a member of the Executive Council or the Delegate's Council;
 - (d) Not be employed in a position which reports, directly or indirectly to the Executive Council or Delegate's Council;
 - (e) Have a conversational knowledge of Anishinaabemowin, or undertake to gain a conversational knowledge during their time as a Dibaakonige-ogima;
 - (f) Not have been convicted of an indictable offence in the previous ten years;
 - (g) Never have been convicted of an offence involving fraud, deceit, bribery, abuse of power or related offences;
 - (h) Never have been found to have committed a corrupt practice in a Sagkeeng Election by a court of competent jurisdiction;

- (i) Have minimum education of an undergraduate university degree, or its equivalent;
 - (i) A traditional or land-based education may be deemed sufficient for the purposes of this section if certified as such by three Elders who are not related to the Dibaakonige-ogima in the Form 20.
 - (j) Be knowledgeable of the customs, laws and traditions of Sagkeeng;
 - (k) Live by, and honour, the Seven Teachings.
21. The Dibaakonige-ogima shall make every effort to;
- (a) Conduct proceedings, deliberations and make decisions in a manner consistent with the Seven Teachings;
 - (b) Undertake their responsibilities honestly and fairly;
 - (c) Be impartial and open-minded;
 - (d) Be role models for the Anicinabek;
 - (e) Educate the Anicinabek about the Laws of Sagkeeng and the processes of the Judicial Council;
 - (f) Educate others about the Laws of Sagkeeng and the processes of the Judicial Council;
22. Within 30 days of taking office, and prior to considering any Issues, Dibaakonige-ogima must participate in training regarding the laws of Sagkeeng, the principles of statutory interpretation, the principles of procedural fairness and other topics relevant to their responsibilities, as determined by the Judicial Council Advisor.
23. In each year that Dibaakonige-ogima hold their position, they shall participate in at least 12 hours of additional training.

24. Upon taking office, every Dibaakonige-ogima shall, in a public place and in the presence of members of the Anicinabek, swear an Oath of Impartiality and Service, as in **Form 24**.

Removal of Dibaakonige-ogima

25. A Dibaakonige-ogima may only be removed from their office if;
- (a) They are deceased;
 - (b) They resign;
 - (c) They are removed from office pursuant to section 26 herein.
26. A Dibaakonige-ogima may be removed from office:
- (a) If a simple majority of each of the Executive Council and Delegate's Council pass a resolution recommending the removal of a particular Dibaakonige-ogima, the question of the removal is sent to a Special Lawmakers Assembly, called for that purpose in the way required by the *Sagkeeng Onakonigawin*.
 - (b) At the Special Lawmakers Assembly called for that purpose, the Dibaakonige-ogima whose removal is proposed shall be given an opportunity to speak and explain their position, and they may have one or more representatives also speak.
 - (c) A vote shall be held at the Special Lawmakers Assembly with a show of hands from the Anicinabek in attendance indicating whether or not they are in favour of the removal.

JUDICIAL COUNCIL ADVISOR

27. The Judicial Council Advisor (the "Advisor") shall be a non-voting member, who shall have the right to attend all meetings and hearings of the Judicial Council, and participate fully in all deliberations, but who shall not be entitled to vote or decide questions that come before the Judicial Council.
- (a) The Advisor is subject to the same requirements as all other Dibaakonige-ogima, except the Advisor;

- (i) Does not need to be a member of the Anicinabek as that term is defined, but preference will be given to Anishinaabe persons, that is, a member of an Anishinaabe Nation within the present borders of Canada;
 - (ii) Must have a Bachelor of Laws, Juris Doctor, or equivalent degree from a university;
 - (iii) Must be familiar with the legal traditions, culture, language and way of life of the Anicinabek;
 - (iv) Must be familiar with Treaty 1, Treaty 3, and jurisprudence from Crown Courts as it relates to the inherent rights and Treaty rights of the Anicinabek;
 - (v) Must be familiar or undertake to become familiar prior to assuming their position, with all of the Laws of Sakgeeng;
 - (vi) Must have expert knowledge of the Constitution of Canada;
28. Preference will be given to applicants for the position of Advisor who have served as Judges, or similar positions. Secondary preference will be given to applicants who have practiced as lawyers.
29. The Advisor shall make every effort to;
- (a) Assist members of the Anicinabek to navigate the Judicial Council's process;
 - (b) Ensure that proceedings, deliberations and decisions of the Judicial Council, are wise, respectful, fair and just;
 - (c) Ensure that parties appearing before the Judicial Council, both those seeking relief and others, are treated respectfully and fairly, and are accorded procedural fairness;
 - (d) Advise the Dibaakonige-ogima on the principles and mechanisms to be used for interpreting the Laws of Sagkeeng;

- (e) Protect the judicial sovereignty and legal jurisdiction of Sagkeeng;
 - (f) Provide such other advice as they deem appropriate to assist the Judicial Council;
 - (g) Educate the Anicinabek about the Laws of Sagkeeng and the processes of the Judicial Council;
 - (h) Educate others about the Laws of Sagkeeng and the processes of the Judicial Council.
30. The Advisor shall, upon assuming office, swear or affirm an Oath of Impartiality and Service, as in Form 30.
31. The Judicial Advisor may only be removed from their office in the same manner as section 26

OPERATIONS OF THE JUDICIAL COUNCIL

32. The Dibaakonige-ogima shall choose from amongst themselves a Chairperson, who shall be responsible for the administration of the Judicial Council.
33. The Judicial Council shall establish a mechanism for enabling forms and other materials to be filed by Parties.
34. Proceedings of the Judicial Council may be conducted in English or Anishinaabemowin.
- (a) The Judicial Council shall make translation services available from English to Anishinaabemowin and from Anishinaabemowin to English at any proceeding for which that translation is requested.
 - (b) The Judicial Council may make regulations regarding the qualifications for translators and how translation services are requested.
35. Proceedings of the Judicial Council may be conducted in person, in writing, by telephone or through any other form of digital communication deemed appropriate by the Chairperson, in consultation with the Advisor.

- (a) The participants must agree to the choice of forum or means of communication for a proceeding.
36. The decisions of the Judicial Council shall always be made at a place within the Traditional and Ancestral Territory of the Anicinabek.
37. All proceedings of the Judicial Council shall be open to all members of the Anicinabek to attend and listen.
- (a) The Judicial Council may order all or part of any proceeding to be conducted confidentially after issuing a public order setting out their reasons for doing so.
 - (b) All deliberations of the Dibaakonige-ogimakanak shall be confidential.

Timing of Judicial Council Sessions

38. The Judicial Council shall convene twice per year, in March and September.
- (a) All matters which are submitted to the Judicial Council from August 1st in one year until February 1st the next year shall be heard in the March session.
 - (b) All matters which are submitted to the Judicial Council from February 2nd until July 31st in a given year shall be heard in the September session.
39. Any Party bringing a matter before the Judicial Council related to the *Kākēkanāwok Onakonigawin* (Election Law) shall include when submitting their Statement of Issue, an Urgent Electoral Hearing Form, in Form 39, and the Judicial Council shall hear and consider the matter on an expedited basis outside of regular sessions.
40. Any Party that is directly and substantially impacted by a matter which has been brought before the Judicial Council, and can demonstrate that it is likely that waiting until the next session of the Judicial Council to have the matter determined would cause the Party irreparable harm, may submit a Request for Urgent Hearing in Form 40.
- (a) The Judicial Council shall consider the Request for Urgent Hearing within 30 days of receiving it and may, at the discretion of the Chairperson, consider the underlying issue in the Statement of Issue at the same time as considering the Request for Urgent Hearing.

(b) The Judicial Council may draw an adverse inference from a delay in submitting a Request for Urgent Hearing.

41. Other than as set out in sections 39 and 40 of this law, no Party is entitled to a hearing sooner than 30 days following submission of the Statement of Issue.

Judicial Council Administration

42. The Chairperson of the Judicial Council, in consultation with the Dibaakonige-ogima and Advisor, may hire such administrative support as they deem necessary, and such workers will be deemed to be employed or contracted by the Judicial Council, and not by Sagkeeng or the Fort Alexander Band.

(a) Employees and contractors of the Judicial Council may not be members of the Executive Council.

43. Based on an annual budget submitted by the Judicial Council, the Executive Council shall ensure that the Judicial Council has sufficient resources to carry out its duties.

44. The Chairperson, in consultation with the Dibaakonige-ogima and the Advisor, may establish fees to be paid by Parties upon filing documents and taking other steps in the Judicial Council Process. Subject to section 44(a) herein, the Judicial Council may refuse to accept documents for filing or may refuse to consider an Issue if the required fee has not been paid.

(a) A member of the Anicinabek who is unable to pay an established fee and confirms their inability to pay by submitting Form 44, shall not be required to pay the fee.

(b) The Judicial Council may set different fees for Parties who are members of the Anicinabek and Parties who are not members of the Anicinabek, which take into consideration the historical inequality and challenges faced by members of the Anicinabek.

- (c) All fees collected pursuant to section 44 shall be used to supplement the funding of the Judicial Council, and shall not be used to pay remuneration to any person or persons.
45. All persons employed or contracted by the Judicial Council shall be required to swear an Oath of Fairness and Confidentiality, in Form 45.
- (a) Any person found to have breached their Oath of Impartiality and Confidentiality shall be guilty of an offence, punishable on conviction by the full Judicial Council to Community Service of not more than 250 hours and workplace discipline up to and including termination of employment.
46. It is the responsibility of the Chairperson to ensure that all oral hearings of the Judicial Council are recorded, and that all recordings are kept in a safe and secure location and are preserved indefinitely.
47. It is the responsibility of the Chairperson to ensure that all written documentation, including documents submitted by Parties, decisions of the Judicial Council and other documents incidental to the work of the Judicial Council and whether physical or electronic, are kept in a safe and secure location and are preserved indefinitely.
48. The Judicial Council shall retain translators capable of translating orally and in writing from Anishinaabemowin to English and from English to Anishinaabemowin.

DETERMINATION OF ISSUES

Statement of Issue

49. The process to have an issue be determined by the Judicial Council begins by a Party submitting a Statement of Issue to the Judicial Council in Form 49.
- (a) A Statement of Issue must include the names and (if known) contact information for all persons or organizations which may have a direct and substantial interest in the determination of the issue and such persons and organizations shall be entitled to Notice of all steps in the determination of the Issue.

- (i) The Executive Council and Delegates Council shall each be deemed to have a direct and substantial interest in the determination of all issues submitted to the Judicial Council, and must be provided with notice of every Statement of Issue prior to it being submitted.
 - (b) The Party submitting the Statement of Issue must, at the same time, show evidence that they have already provided copies of the Statement of Issue to each of the persons described at section 49(a) of this law.
- 50. Within 5 business days of receiving a Statement of Issue, the Judicial Council shall cause to be posted public notice, in Form 50, of the Issue:
 - (a) On the website of Sagkeeng Anicinabe, and the website of the Judicial Council (if one is maintained);
 - (b) At no fewer than four prominent locations in Sagkeeng, two on the North Shore, two on the South Shore;
 - (c) In at least one prominent location, known to be frequented by Sagkeeng members, in Winnipeg.
 - (d) Such other places as the Judicial Council sees fit;
- 51. Any person or organization (whether or not named in the Statement of Issue) who is directly and substantially impacted by the Issue may submit a Notice of Impact in Form 51 within 20 days of notice of the Issue being posted.
 - (a) A Notice of Impact shall include an explanation of how the person or organization is directly and substantially impacted by the Issue and upon submission of a Notice of Impact, they shall be deemed an Impacted Party.
 - (b) The Judicial Council may, on its own initiative or at the request of any person or organization named in the Statement of Issue, require a party or parties who submitted a Notice of Impact to explain their direct and substantial interest further, and may require them to answer questions or submit evidence. After

receiving sufficient information, the Judicial Council may decide to accept the Notice of Impact or to reject it.

52. Any person or organization (whether or not named in the Statement of Issue) who is not directly and substantially impacted by the Issue, but who believes that they can meaningfully assist the Judicial Council in the determination of the Issue, may submit a Notice of Comment in Form 52 within 20 days of notice of the Issue being posted.
- (a) A Notice of Comment shall include an explanation of how the person or organization can assist the Judicial Council and upon submission of a Notice of Comment, they shall be deemed an Commenting Party.
 - (b) A person or organization who submitted a Notice of Impact but was rejected by the Judicial Council may nonetheless submit a Notice of Comment.

Hearing Order

53. Within 30 days of receiving a Statement of Issue, the Judicial Council shall issue a Hearing Order in Form 53 and shall provide a copy of the Hearing Order to all Parties. A Hearing Order shall set out:
- (a) The name and contact information of the Party which submitted the Statement of Issue;
 - (b) The names and contact information of all Impacted Parties;
 - (c) The names and contact information of all Commenting Parties;
 - (d) The schedule for submitting additional materials;
 - (e) Whether evidence is to be submitted orally or in writing;
 - (f) Whether the Judicial Council will conduct an oral hearing, a hearing in writing, or a hearing by any other means.

54. The Judicial Council shall set such reasonable deadlines as it sees fit for the submission of materials, so as to allow the Issue to be heard at the appropriate session, as required by section 38 of this law.
- (a) When setting deadlines, the Judicial Council may take into account:
 - (i) Whether Parties are represented by a Representative;
 - (ii) The availability of Parties;
 - (iii) The number of parties;
 - (iv) Any other matter the Judicial Council considers relevant.

Material for Determination

55. The Judicial Council may, in its sole discretion, limit the length of submissions made by the Parties, and may provide for differing length limits for Impacted Parties and for Commenting Parties.
56. Evidence submitted in writing must clearly identify the person giving the evidence, the source of their knowledge, and include a statement indicating that the person giving the evidence is telling the truth.
- (a) Any person who knowingly submits or causes to be submitted evidence which is false is guilty of an offence punishable by not more than 250 hours Community Service.
57. Notwithstanding anything else in this law, an Elder of the Anicinabek shall always be permitted to submit their evidence orally, and shall indicate their intention to do so by submitting s prior to the hearing of the Issue.
58. Each Party may submit a Memorandum of Fact and Law to assist the Judicial Council in making its determination.
- (a) Every Memorandum of Fact and Law shall contain a brief statement of relevant facts and an explanation and discussion of relevant laws and legal principles.

59. Each Party shall have the same deadline for submitting their Memorandum of Fact and Law, and no submissions may be made in reply, except if specifically ordered by the Judicial Council.

The Hearing

60. The decision by the Judicial Council to hold a hearing orally, in writing, or by other means, is final and not subject to appeal.
61. At an Oral Hearing, each Impacted Party shall be entitled to make submissions for the same length of time, and each Commenting Party shall be entitled to make submissions for the same length of time, but the Judicial Council may set different lengths of time for the submissions of Impacted Parties and Commenting Parties.
62. The Party which submitted the Statement of Issue shall be permitted to make submissions twice, once at the beginning of the hearing, and once at the end of the hearing.
63. The Judicial Council may make such orders prior to and during a hearing as it sees fit for the effective management of the hearing.
64. Each Issue shall be determined by either three or five Dibaakonige-ogima, at the discretion of the Chairperson
 - (a) The Dibaakonige-ogima who are determining an Issue may be referred to as the "Panel".
65. A single Dibaakonige-ogima may determine procedural matters.

Decisions

66. All decisions of the Judicial Council shall be made in writing, include a concise summary of the evidence and an explanation of the reasons for the decision.
67. All decisions shall be signed by the Dibaakonige-ogima who supported the decision.
68. If one or more Dibaakonige-ogima do not agree with the decision of the majority of the Panel, they may issue Dissenting Reasons, and any Dissenting Reasons shall be attached to the Decision and signed by the Dibaakonige-ogima who agree with it.

69. If a Panel of three Dibaakonige-ogima is unable to reach a majority decision, the Issue shall be referred to a Panel of the full Judicial Council and re-heard.
70. If a Panel of the full Judicial Council is unable to reach a majority decision, the decision of a plurality of Dibaakonige-ogima shall be determinative.

APPEALS

71. A unanimous decision of a Panel of the Judicial Council is final and not subject to appeal.
72. A decision of a Panel of the Judicial Council which is not unanimous, may be appealed only if the majority of the Panel made an error of law.
73. An appeal pursuant to section 72 of this law shall be made to the Federal Court of Canada pursuant to section 18.1(b) of the *Federal Courts Act* RSC 1985 c F-7.
 - (a) For the purposes of section 18.1(b) of the *Federal Courts Act*, the Judicial Council shall be deemed to be a “Federal board or tribunal”.
 - (b) For the purposes of this section only, the Sagkeeng Lawmakers Assembly recognizes the co-existing system of justice available in Canada and attorns to the jurisdiction of the Federal Court of Canada.
74. In determining an appeal from the Judicial Council pursuant to section 72, the Federal Court shall take into consideration;
 - (a) The Laws of Sagkeeng, including this law, and the manner in which the Laws of Sagkeeng are adopted;
 - (b) The legal traditions of the Anicinabek;
 - (c) The inherent right to self-determination of the Anicinabek;
 - (d) *International Treaty laws and The United Nations Declaration on the Rights of Indigenous Peoples*;
 - (e) The specialized knowledge and expertise of the Dibaakonige-ogima and the Advisor;

75. Appeals from the Judicial Council pursuant to section 72 shall always be determined based on a standard of review of reasonableness.

RULES OF PROCEDURE

76. The Judicial Council may, by unanimous resolution, adopt, amend and rescind rules of procedure addressing the following issues:
- (a) Admissibility of evidence;
 - (b) The manner of giving evidence;
 - (c) Service of documents;
 - (d) Filing of documents;
 - (e) Contempt;
 - (f) The powers of Dibaakonige-ogima and Judicial Council Panels to manage their proceedings;
 - (g) Motions;
 - (h) Frivolous and vexatious behaviour by Parties and others;
 - (i) Confidentiality;
 - (j) Recognition and accreditation of Party Representatives;
 - (k) Ethical requirements of Dibaakonige-ogima, Judicial Council Staff, and Representatives