

APPENDIX

CONSTITUTIONAL ARCHITECTURE — NEXT LAYERS

*A Detailed Operational Framework
for the Confederation of Kanatawi*

“This Constitution belongs to the people and future generations.”

The Founding Charter of Kanatawi
A Confederation of Peoples, Nations, and Territories

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INTRODUCTION

This Appendix transforms the constitutional skeleton established in the Founding Charter of Kanatawi into an operational framework. Each of the eight critical domains identified in the original Appendix is herein developed into substantive constitutional provisions, organized into Sections, and supported by Legal Justification grounded in international law, comparative constitutional practice, and Indigenous governance traditions.

The provisions herein are designed to be:

- **Justiciable:** Capable of enforcement through Kanatawi's courts;
- **Proportionate:** Balancing collective and individual rights;
- **Interoperable:** Functioning within existing international legal obligations;
- **Adaptable:** Permitting amendment through the mechanisms established in Article XI.

1 GOVERNMENT STRUCTURE

Section 1.1 Name and Composition

The Government of Kanatawi shall consist of three branches:

- a) **The Legislative Assembly** — the supreme law-making body;
- b) **The Executive Council** — responsible for administration and implementation;
- c) **The Constitutional Court** — guardian of the Charter and arbiter of constitutional disputes.

No branch shall exercise the powers of another. The principle of separation of powers is fundamental and non-derogable.

Section 1.2 The Legislative Assembly

1.2.1 Composition

The Legislative Assembly shall be bicameral:

1. **The People's Chamber** — elected by citizens through proportional representation, with seats allocated according to the d'Hondt method or equivalent ranked-choice proportional system. Minimum 200 members, maximum 400.
2. **The Nations' Chamber** — composed of representatives from each Indigenous nation and each regional democratic territory. Each constituent nation or territory shall have equal representation, with a minimum of two delegates and additional delegates proportional to population, capped at ten per entity.

1.2.2 Powers

The Legislative Assembly shall have exclusive authority to:

- Enact federal legislation;
- Approve treaties with Indigenous nations and international agreements;
- Levy federal taxes and approve the national budget;
- Declare states of emergency, subject to strict temporal limits and judicial review;
- Impeach members of the Executive Council and Constitutional Court judges for gross misconduct, by supermajority vote.

All legislation affecting Indigenous nations, territories, or the environment shall require concurrent approval by both Chambers.

1.2.3 Legislative Process

1. Bills may originate in either Chamber, except revenue bills, which must originate in the People's Chamber.
2. All bills shall undergo three readings, with mandatory public consultation periods of not less than 30 days between first and second readings.
3. Bills affecting Indigenous rights, land, or cultural heritage shall require free, prior, and informed consent (FPIC) from the Nations' Chamber.

4. Passed bills shall be submitted to the Executive Council for assent. The Executive Council may return a bill with objections within 21 days. A returned bill passed again by two-thirds majority of both Chambers shall become law without further assent.

Section 1.3 The Executive Council

1.3.1 Composition

1. The Executive Council shall be headed by a **Chancellor**, elected by the Legislative Assembly from among its members or from citizens qualified for election, by absolute majority in a secret ballot.
2. The Chancellor shall appoint Ministers to head executive departments, subject to confirmation by the People's Chamber.
3. At least one-third of Ministerial positions shall be held by Indigenous persons or nominees endorsed by Indigenous governing councils.
4. The Executive Council shall be collectively responsible to the Legislative Assembly and may be dissolved by vote of no confidence passed by simple majority in the People's Chamber.

1.3.2 Powers and Limitations

1. The Chancellor and Executive Council shall direct the administration of federal affairs, execute laws, and represent Kanatawi internationally.
2. The Chancellor may not dissolve the Legislative Assembly except upon formal request of two-thirds of the People's Chamber or following two consecutive votes of no confidence within 12 months.
3. Executive orders and regulations shall be subject to judicial review for constitutionality.
4. No member of the Executive Council shall simultaneously hold judicial office or hereditary title of nobility.

Section 1.4 The Constitutional Court

1.4.1 Composition

1. The Constitutional Court shall consist of **eleven Justices**: six appointed by the People's Chamber, three by the Nations' Chamber, and two by consensus of Indigenous governing councils.
2. Justices shall serve single terms of **12 years**, non-renewable, and may not be removed except by supermajority vote of both Chambers for proven gross misconduct.
3. At least four Justices shall be Indigenous persons with recognized legal training or traditional legal expertise.

1.4.2 Jurisdiction

The Constitutional Court shall have exclusive and final jurisdiction over:

- Constitutional interpretation and the validity of federal and territorial legislation;
- Disputes between the federal government and Indigenous nations or territories;
- Challenges to executive actions on grounds of constitutional violation;
- Referrals from citizens, Indigenous nations, or territories alleging systematic rights violations;

- Impeachment proceedings against high officeholders;
- Advisory opinions on constitutional questions referred by the Legislative Assembly.

1.4.3 Indigenous Legal Pluralism

The Constitutional Court shall establish a **Council of Indigenous Jurists**, comprising one representative from each recognized Indigenous nation, to advise on cases involving Indigenous legal traditions, treaty interpretation, and customary law. The Council's advisory opinions shall be binding unless the full Court unanimously overrides them on grounds of inconsistency with the Charter.

The separation of powers into legislative, executive, and judicial branches reflects the foundational principle of **checks and balances**, recognized in comparative constitutional law as essential to democratic governance. This structure aligns with **Article 21 of the Universal Declaration of Human Rights (UDHR, 1948)**, which establishes the right to participate in government through freely chosen representatives, and **Article 25 of the International Covenant on Civil and Political Rights (ICCPR, 1966)**, which guarantees the right to vote and be elected at genuine periodic elections.

The bicameral structure, with equal representation for nations and territories in the Nations' Chamber, reflects the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), Article 18**, which guarantees Indigenous peoples the right to participate in decision-making through their own representative institutions. The European Charter of Local Self-Government (1985) further supports the principle that constituent units must have meaningful voice regardless of population size.

The requirement for FPIC in legislation affecting Indigenous rights is mandated by **UNDRIP Article 19**, which requires States to consult and cooperate in good faith to obtain free, prior, and informed consent before adopting measures that may affect Indigenous peoples. This is reinforced by **ILO Convention 169 (1989), Article 6**, which requires governments to consult Indigenous peoples with the objective of achieving agreement or consent.

The establishment of a Constitutional Court with Indigenous jurists reflects **UNDRIP Article 34**, which recognizes the right of Indigenous peoples to promote, develop, and maintain their institutional structures and juridical systems, and **Article 40**, which guarantees access to prompt decision through just and fair procedures giving due consideration to Indigenous customs and legal systems. The UN Basic Principles on the Independence of the Judiciary (1985) affirm that judicial independence shall be guaranteed by the State and enshrined in the Constitution.

The prohibition on hereditary titles and simultaneous judicial-executive officeholding is consistent with the republican principle that sovereignty resides in the people, reflected in **UDHR Article 21(3)** and universal across modern republican constitutions.

Sources: UDHR Art. 21; ICCPR Art. 25; UNDRIP Arts. 18–19, 34, 40; ILO Convention 169, Art. 6; European Charter of Local Self-Government (1985); UN Basic Principles on the Independence of the Judiciary (1985).

2 ELECTORAL SYSTEM

Section 2.1 Principles

All elections in Kanatawi shall be conducted according to the following principles:

- a) **Universal suffrage:** Every citizen aged 16 or older shall have the right to vote;
- b) **Equal suffrage:** Each vote shall carry equal weight;
- c) **Free suffrage:** Voting shall be voluntary and without coercion;
- d) **Secret ballot:** Voting shall be by secret ballot or equivalent secure electronic method;
- e) **Transparency:** Election administration shall be independent, transparent, and subject to domestic and international observation;
- f) **Accessibility:** Elections shall be accessible to persons with disabilities and conducted in multiple languages where warranted by local demographics.

Section 2.2 The People's Chamber Elections

2.2.1 Electoral Method

1. The People's Chamber shall be elected by **mixed-member proportional representation (MMP)**:
 - 60% of seats elected from multi-member constituencies by ranked-choice voting (single transferable vote);
 - 40% of seats allocated from party lists to ensure overall proportionality.
2. The electoral threshold for party list representation shall be **3%** of valid votes cast nationally.
3. Constituency boundaries shall be drawn by an independent Electoral Commission, with mandatory representation from Indigenous nations and minority communities on the Commission.

2.2.2 Candidate Eligibility

1. Any citizen aged 18 or older, not disqualified by conviction for electoral fraud or treason, may stand for election.
2. Political parties shall be required to maintain internal democratic procedures, transparent funding, and gender parity in candidate nominations (minimum 40% and maximum 60% of candidates of any gender).
3. Independent candidates shall have equal ballot access, requiring signatures equal to 0.5% of the electorate in the relevant constituency.

Section 2.3 The Nations' Chamber Elections

1. Each Indigenous nation and each regional democratic territory shall elect or select its delegates according to its own internal democratic procedures, subject to:
 - Universal adult suffrage within the nation or territory;
 - Secret ballot or traditional consensus methods documented and certified by the Electoral Commission;
 - Gender parity requirements (minimum 40% women delegates);

- Publication of selection criteria and results.
2. Indigenous nations may designate delegates through traditional governance mechanisms (e.g., clan mothers, council of elders) provided such mechanisms are themselves subject to periodic democratic validation by the nation's adult members.

Section 2.4 Head of State Election

1. The Head of State (if established as a separate office from the Chancellor) shall be elected by direct popular vote for a single term of **seven years**, using ranked-choice voting.
2. The office shall be purely ceremonial, with no executive, legislative, or military powers.
3. No person who has held the office of Chancellor, Constitutional Court Justice, or hereditary monarch in any jurisdiction within the preceding 10 years shall be eligible.

Section 2.5 Electoral Commission

1. An independent **National Electoral Commission** shall administer all federal elections.
2. The Commission shall consist of seven members: three appointed by the People's Chamber, two by the Nations' Chamber, and two by consensus of recognized Indigenous governing councils.
3. Commissioners shall serve non-renewable terms of seven years, staggered.
4. The Commission shall have authority to:
 - Register voters and political parties;
 - Set constituency boundaries;
 - Monitor campaign finance;
 - Investigate and prosecute electoral fraud;
 - Certify election results;
 - Conduct voter education in all official languages.

Section 2.6 Referendums and Citizens' Initiatives

1. Citizens may propose legislation or constitutional amendments by petition signed by **5%** of registered voters.
2. The Legislative Assembly shall debate and vote on all valid initiatives within 12 months. If rejected, the initiative shall proceed to a binding referendum if supported by an additional **3%** of voters within 90 days.
3. Constitutional amendments by referendum shall require approval by **60%** of voters nationally and majority approval in a majority of Indigenous nations and territories.

The electoral principles enumerated herein derive directly from **Article 25 of the International Covenant on Civil and Political Rights (ICCPR, 1966)**, which guarantees every citizen the right to take part in the conduct of public affairs, to vote and be elected at genuine periodic elections by universal and equal suffrage, and to have access on general terms of equality to public service. The UN Human Rights Committee, in its General

Comment No. 25 (1996), has interpreted Article 25 to require that the conduct of public affairs “is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers.”

The reduction of voting age to 16 aligns with emerging international practice and the principle of **intergenerational equity** recognized in the Brundtland Commission Report (1987). The UN Committee on the Rights of the Child has encouraged States to consider lowering voting ages to ensure meaningful participation of young people in democratic processes.

The requirement for gender parity in candidate nominations reflects **UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), Article 7**, which requires States to take all appropriate measures to eliminate discrimination against women in political and public life, and to ensure their equal participation in government. The UN General Assembly Resolution 66/130 (2011) further calls for measures to ensure women’s full and effective participation in political decision-making.

The mixed-member proportional system and ranked-choice voting reflect best practices in comparative constitutional design, maximizing both proportionality and local representation. The Venice Commission’s Code of Good Practice in Electoral Matters (2002) recommends proportional representation as the most appropriate system for genuine democratic elections, and the OSCE/ODIHR has consistently endorsed systems that minimize wasted votes.

The independence of the Electoral Commission is mandated by **Article 13 of the UN Convention against Corruption (UNCAC, 2003)**, which requires States to promote the active participation of civil society and community-based organizations in decision-making processes, and by the Venice Commission’s Guidelines on the Role of Referendums in a Democracy (2001), which emphasizes the need for impartial administration of popular votes.

Sources: ICCPR Art. 25; UN Human Rights Committee General Comment No. 25 (1996); CEDAW Art. 7; UNCAC Art. 13; Venice Commission Code of Good Practice in Electoral Matters (2002); Venice Commission Guidelines on Referendums (2001); Brundtland Report (1987).

3 INDIGENOUS TREATY FRAMEWORK

Section 3.1 Recognition of Treaties

1. All treaties, agreements, and constructive arrangements between Indigenous nations and the Crown of Canada, or between Indigenous nations inter se, existing at the time of Kanatawi's founding, shall be recognized as binding constitutional instruments.
2. No existing treaty shall be altered, diminished, or extinguished without the free, prior, and informed consent of the Indigenous nations party to the treaty.
3. Treaties shall be interpreted according to the principles of:
 - **Generous interpretation:** Ambiguities resolved in favor of Indigenous parties;
 - **Historical context:** Interpretation informed by the circumstances, oral traditions, and understandings at the time of treaty-making;
 - **Contemporary application:** Application to modern circumstances consistent with original spirit and intent.

Section 3.2 Treaty Negotiation Mechanism

3.2.1 The Treaty Council

1. A permanent **Treaty Council** shall be established as an independent constitutional body.
2. The Treaty Council shall consist of:
 - One representative appointed by each recognized Indigenous nation;
 - One representative appointed by the federal government;
 - One independent chair, selected by consensus of Council members, with expertise in Indigenous law and international dispute resolution.
3. The Treaty Council shall have authority to:
 - Facilitate negotiation of new treaties between the federal government and Indigenous nations;
 - Mediate disputes arising from existing treaties;
 - Issue binding interpretations of treaty terms upon joint request of parties;
 - Recommend constitutional amendments necessitated by new treaties.

3.2.2 Negotiation Principles

All treaty negotiations shall be conducted in accordance with the following principles:

- a) **Good faith:** All parties shall negotiate honestly, without deception or coercion;
- b) **Equality:** Indigenous nations shall participate as equal sovereign partners, not as subordinate subjects;
- c) **Transparency:** Negotiation records shall be public, except where confidentiality is jointly agreed for sensitive cultural matters;
- d) **Capacity support:** The federal government shall provide resources to Indigenous nations to ensure equitable negotiating capacity;

- e) **Temporal integrity:** Negotiations shall not be time-limited in a manner that coerces acceptance;
- f) **Community ratification:** Draft treaties shall be ratified by the affected Indigenous nation's governing council and, where practicable, by community referendum.

Section 3.3 Implementation and Dispute Resolution

3.3.1 Implementation Commission

1. Each treaty shall establish a bilateral **Implementation Commission** comprising equal representation from the federal government and the Indigenous nation.
2. Implementation Commissions shall:
 - Monitor compliance with treaty obligations;
 - Address implementation disputes through dialogue;
 - Report annually to the Treaty Council and the Nations' Chamber;
 - Refer unresolved disputes to the Constitutional Court.

3.3.2 Dispute Resolution Hierarchy

1. **Stage 1 — Dialogue:** Parties shall attempt resolution through direct negotiation within 90 days.
2. **Stage 2 — Mediation:** If dialogue fails, the Treaty Council shall appoint a mediator within 30 days.
3. **Stage 3 — Arbitration:** If mediation fails within 120 days, parties may agree to binding arbitration by a panel of three arbitrators (one selected by each party, one jointly selected).
4. **Stage 4 — Constitutional Court:** If arbitration is declined or fails, either party may refer the dispute to the Constitutional Court, whose decision shall be final and binding.

Section 3.4 Modern Treaty-Making

1. Indigenous nations not currently party to treaties may negotiate modern treaties with the federal government, addressing:
 - Land title and stewardship;
 - Self-government jurisdiction;
 - Resource revenue sharing;
 - Cultural heritage protection;
 - Educational and health service delivery;
 - Law enforcement and justice administration.
2. Modern treaties, once ratified, shall have constitutional status equivalent to the Founding Charter.
3. The federal government shall allocate not less than **2% of annual federal revenue** to a Treaty Implementation Fund, distributed according to treaty obligations and modern treaty commitments.

The protection and implementation of treaties is mandated by **UNDRIP Article 37**, which affirms Indigenous peoples' right to the recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements concluded with States, and provides that nothing in the Declaration may be interpreted as diminishing or eliminating rights contained in such treaties. This aligns with the **Vienna Convention on the Law of Treaties (1969), Article 26**, which establishes *pacta sunt servanda*: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

The principle of generous interpretation of treaties in favor of Indigenous parties reflects the **Marshall trilogy** of decisions by the Supreme Court of the United States and has been adopted by the Supreme Court of Canada in cases such as *R. v. Simon* (1985) and *R. v. Badger* (1996), which hold that treaties must be interpreted in the sense in which they would naturally be understood by the Indigenous signatories.

The requirement for free, prior, and informed consent in treaty-making and alteration is grounded in **UNDRIP Article 19**, which requires States to consult and cooperate in good faith to obtain FPIC before adopting measures that may affect Indigenous peoples. This is reinforced by **ILO Convention 169 (1989), Article 6**, and the **UN Guiding Principles on Business and Human Rights (2011)**, which extend FPIC obligations to corporate actors.

The establishment of an independent Treaty Council reflects the principle of institutional autonomy recognized in **UNDRIP Article 34**, which affirms the right of Indigenous peoples to promote, develop, and maintain their institutional structures and juridical systems. The Venice Commission's Report on the Constitutional Arrangements for Indigenous Peoples (2016) recommends independent treaty bodies as essential to meaningful nation-to-nation relationships.

The constitutional status of modern treaties aligns with practice in Canada, where modern land claims agreements are constitutionally protected under **Section 35 of the Constitution Act, 1982**, and in New Zealand, where the Treaty of Waitangi has been accorded increasing constitutional recognition despite its original treaty status.

Sources: UNDRIP Arts. 19, 37; Vienna Convention on the Law of Treaties (1969), Art. 26; ILO Convention 169, Art. 6; UN Guiding Principles on Business and Human Rights (2011); Venice Commission Report on Indigenous Constitutional Arrangements (2016).

4 LAND GOVERNANCE MODEL

Section 4.1 Principles of Land Stewardship

- a) **Indigenous title:** Lands traditionally owned, occupied, or used by Indigenous nations are recognized as Indigenous territory, held in trust by the nation for present and future generations;
- b) **Collective benefit:** Land shall be managed for the collective benefit of the community, not for private speculative gain;
- c) **Ecological integrity:** Land use decisions shall prioritize ecosystem health, biodiversity, and climate resilience;
- d) **Intergenerational equity:** Present generations hold land in trust for future generations, with an obligation to pass it in equal or better condition;
- e) **Subsidiarity:** Land governance decisions shall be made at the most local level capable of addressing them effectively.

Section 4.2 Categories of Land

4.2.1 Indigenous Territorial Lands

1. Lands subject to Indigenous title, treaty lands, and lands reserved for Indigenous nations shall be governed by the respective Indigenous nation according to its own laws, customs, and governance structures.
2. The federal government shall recognize and enforce Indigenous territorial land laws, including:
 - Zoning and development regulations;
 - Environmental protection standards (which may exceed federal minimums);
 - Resource extraction licensing and revenue-sharing;
 - Hunting, fishing, and gathering rights;
 - Cultural site protection.
3. No federal or territorial project affecting Indigenous territorial lands shall proceed without FPIC from the affected nation.
4. Indigenous nations may establish land registries, title systems, and inheritance rules according to their own traditions, provided they do not discriminate on prohibited grounds under Article V.

4.2.2 Regional Democratic Territories

1. Lands not governed as Indigenous territorial lands shall be organized into **Regional Democratic Territories** (RDTs).
2. Each RDT shall have a democratically elected territorial assembly with authority over:
 - Local land use planning and zoning;
 - Municipal services and infrastructure;
 - Local environmental regulation;
 - Local taxation for territorial purposes;

- Cultural and linguistic preservation programs.
3. RDT boundaries shall respect historical community boundaries, ecological watersheds, and Indigenous territorial claims. Boundary disputes shall be resolved by the Constitutional Court.

4.2.3 Federal Lands

1. Certain lands shall remain under federal jurisdiction:
 - National parks, wilderness reserves, and protected ecological corridors;
 - Inter-territorial transportation and communication corridors;
 - Military installations (limited to legitimate defense purposes under Article X);
 - Federal administrative buildings and diplomatic premises.
2. Federal land management shall be subject to:
 - Environmental impact assessment;
 - Consultation with affected Indigenous nations and RDTs;
 - Public access provisions where compatible with conservation;
 - Annual reporting to the Legislative Assembly.

4.2.4 The Commons

1. Certain natural resources — air, flowing water, the oceans within Kanatawi’s jurisdiction, and genetic biodiversity — shall be designated as **the Commons**, held in trust by the federal government on behalf of all present and future inhabitants.
2. The Commons shall not be privatized. Access and use shall be regulated through democratically determined permits, with revenue directed to:
 - Environmental restoration (40%);
 - Indigenous nation revenue sharing (30%);
 - Territorial infrastructure (20%);
 - Federal environmental research and climate adaptation (10%).

Section 4.3 Resource Management and Revenue Sharing

4.3.1 Resource Extraction Framework

1. All resource extraction on any category of land shall require:
 - Comprehensive environmental impact assessment;
 - FPIC from affected Indigenous nations (if on or affecting Indigenous territorial lands);
 - Public consultation in affected RDTs;
 - Rehabilitation bonds sufficient to cover full restoration costs;
 - Carbon offset obligations for fossil fuel extraction (prohibited after 2040).
2. Extractive projects shall be subject to **progressive royalty rates**: higher rates for non-renewable resources, lower rates for renewable and sustainable harvesting.

3. No resource extraction shall occur in protected ecological areas, sacred sites, or critical habitat for endangered species.

4.3.2 Revenue Sharing

1. Resource revenues shall be distributed as follows:
 - 40% to the Indigenous nation or RDT on whose land extraction occurs;
 - 30% to the federal government for national programs;
 - 20% to a National Sovereign Wealth Fund (intergenerational savings);
 - 10% to a Just Transition Fund for workers and communities affected by extraction phase-out.
2. The Sovereign Wealth Fund shall be managed by an independent board with Indigenous, territorial, and federal representation, and shall invest exclusively in:
 - Sustainable infrastructure;
 - Renewable energy;
 - Indigenous economic development;
 - Climate adaptation technologies.

Section 4.4 Land Dispute Resolution

1. Disputes over land title, boundaries, or use shall be resolved through:
 - Direct negotiation between affected parties (mandatory first step, 180 days);
 - Mediation by the Treaty Council (if Indigenous nations involved);
 - Arbitration by a panel comprising one Indigenous jurist, one territorial representative, and one independent legal expert;
 - Final appeal to the Constitutional Court.
2. In all land disputes, the burden of proof shall rest on the party asserting extinguishment of Indigenous title.
3. Courts shall apply the **continuity presumption**: Indigenous title is presumed to continue unless explicitly, clearly, and voluntarily surrendered.

The recognition of Indigenous territorial lands and title is mandated by **UNDRIP Article 26**, which affirms that Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired, and that States shall give legal recognition and protection to these lands, territories, and resources with due respect to Indigenous customs, traditions, and land tenure systems. **Article 27** further requires fair and equitable procedures for resolving land claims. The principle of collective benefit and prohibition on speculative private gain reflects the **UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018), Article 17**, which recognizes the right of peasants and rural peoples to land and natural resources, and **Article 18**, which protects against arbitrary displacement. The designation of natural resources as Commons aligns with the **Convention on Bio-**

logical Diversity (1992), Article 3, which affirms States' sovereign rights over their biological resources, and the **Paris Agreement (2015)**, which recognizes the need to conserve and enhance sinks and reservoirs of greenhouse gases. The concept of intergenerational equity in land management is articulated in the **Brundtland Commission Report (1987)** and recognized in the **UN Framework Convention on Climate Change (1992) preamble**.

The requirement for free, prior, and informed consent for resource extraction on Indigenous lands is established in **UNDRIP Article 32**, which requires States to consult and cooperate in good faith with Indigenous peoples to obtain their FPIC prior to the approval of any project affecting their lands or territories and other resources. This is reinforced by the **UN Guiding Principles on Business and Human Rights (2011)**, which extend due diligence obligations to corporate actors.

The continuity presumption in land disputes reflects the jurisprudence of the Supreme Court of Canada in *Delgamuukw v. British Columbia* (1997) and *Tsilhqot'in Nation v. British Columbia* (2014), which established that Aboriginal title is a beneficial interest in land that persists until explicitly extinguished, and that the burden of proving extinguishment rests on the Crown.

Sources: UNDRIP Arts. 26–27, 32; UN Declaration on the Rights of Peasants, Arts. 17–18; CBD (1992), Art. 3; Paris Agreement (2015); Brundtland Report (1987); UNFCCC (1992); UN Guiding Principles on Business and Human Rights (2011); Delgamuukw (1997); Tsilhqot'in (2014).

5 ECONOMIC ARCHITECTURE

Section 5.1 Currency and Monetary Policy

5.1.1 The Kanatawi Dollar

1. The official currency of Kanatawi shall be the **Kanatawi Dollar (K\$)**, issued by the **National Bank of Kanatawi**.
2. The National Bank shall be an independent constitutional institution, not subject to direction by the Executive Council or Legislative Assembly in its monetary policy decisions.
3. The primary mandate of the National Bank shall be:
 - Price stability (inflation target: 2% annual average);
 - Full employment promotion;
 - Financial system stability;
 - Support for sustainable economic development.
4. The National Bank shall be governed by a Board of seven Governors, appointed for non-renewable 8-year terms: three by the People's Chamber, two by the Nations' Chamber, and two by consensus of the Executive Council and Indigenous economic councils.

5.1.2 Currency Transition

1. During a transition period of not less than **five years**, the Canadian Dollar shall remain legal tender alongside the Kanatawi Dollar.
2. The exchange rate shall be managed through a crawling peg mechanism, transitioning to a managed float after the transition period.
3. All federal salaries, pensions, and transfer payments shall be denominated in Kanatawi Dollars within three years of founding.
4. The National Bank shall maintain foreign currency reserves sufficient to cover not less than six months of imports.

Section 5.2 Taxation

5.2.1 Tax Principles

- a) **Progressivity**: Tax burdens shall increase with ability to pay;
- b) **Ecological alignment**: Taxation shall internalize environmental externalities;
- c) **Subsidiarity**: Taxation for local purposes shall be levied at the local level where feasible;
- d) **Transparency**: Tax law shall be comprehensible and administration subject to democratic oversight;
- e) **Indigenous fiscal autonomy**: Indigenous nations shall have authority to levy taxes on their territorial lands and members.

5.2.2 Federal Tax Structure

1. **Personal Income Tax**: Progressive rates from 0% to 45%, with brackets indexed to median income. No taxation on income below the poverty line.

2. **Corporate Income Tax:** Standard rate of 20%, with reductions to 10% for:
 - Cooperatives and community benefit corporations;
 - Enterprises with majority Indigenous ownership;
 - Enterprises certified as carbon-negative or zero-waste.
3. **Wealth Tax:** Annual 1% tax on net wealth exceeding K\$5 million per individual, 2% exceeding K\$50 million.
4. **Carbon Tax:** Progressive carbon pricing starting at K\$75/tonne CO₂e, increasing by K\$15 annually until reaching K\$200/tonne. Revenue returned as equal per-capita dividend.
5. **Land Value Tax:** Annual tax on unimproved land value in RDTs, replacing property taxes, with rates set by territorial assemblies.
6. **Financial Transaction Tax:** 0.1% on stock trades, 0.01% on derivatives, to discourage speculation.

5.2.3 Taxation of Indigenous Nations

1. Indigenous nations shall be exempt from federal taxation on their territorial lands and natural resources, consistent with treaty obligations and inherent sovereignty.
2. Indigenous nations may enter into tax coordination agreements with the federal government to prevent double taxation and ensure equitable contribution to shared services.
3. Members of Indigenous nations shall pay federal personal income tax on income earned outside Indigenous territorial lands.

Section 5.3 Trade Policy

5.3.1 Principles

- a) Trade agreements shall prioritize:
 - Environmental protection and climate commitments;
 - Labor rights and fair wages;
 - Indigenous economic sovereignty and prior consent;
 - Food security and agricultural diversity;
 - Technology transfer and capacity building.
- b) No trade agreement shall include investor-state dispute settlement (ISDS) mechanisms that override Kanatawi's courts or environmental regulations.
- c) All trade agreements shall be ratified by both Chambers of the Legislative Assembly and, if affecting Indigenous rights, by the Nations' Chamber with FPIC from affected nations.

5.3.2 Cooperative Enterprise Framework

1. Kanatawi shall maintain a **Cooperative Enterprise Act** providing:
 - Simplified registration and governance for worker, consumer, and producer cooperatives;
 - Tax advantages for cooperatives distributing surplus to members or reinvesting in community benefit;

- Preferential procurement for cooperative enterprises in federal contracts;
 - Technical and financial support for cooperative development, particularly in Indigenous communities.
2. Federal procurement shall allocate minimum **25%** of contracts to cooperative, Indigenous-owned, or community benefit corporations.

Section 5.4 Social Security and Basic Income

1. Kanatawi shall establish a **Universal Basic Income (UBI)** of not less than 50% of the median income, paid monthly to all citizens aged 18–65, and a higher guaranteed income for citizens over 65.
2. The UBI shall replace most existing welfare programs, with supplementary support for:
 - Persons with disabilities;
 - Single parents;
 - Persons in approved education or training programs;
 - Caregivers providing full-time care for dependents.
3. Indigenous nations may supplement the federal UBI with additional distributions from resource revenues or nation-specific programs.
4. The UBI shall be funded from:
 - Carbon tax revenue (returned as dividend);
 - Wealth tax revenue;
 - Sovereign Wealth Fund returns;
 - Savings from streamlined administration.

The economic provisions herein are grounded in the **International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)**, which establishes the right to work (Article 6), the right to just and favourable conditions of work (Article 7), the right to form and join trade unions (Article 8), the right to social security (Article 9), and the right to an adequate standard of living (Article 11). The Committee on Economic, Social and Cultural Rights has interpreted these rights as requiring States to create conditions under which all individuals can enjoy economic, social, and cultural rights without discrimination. The principle of central bank independence reflects the **IMF’s Guidelines on Central Bank Independence** and comparative constitutional practice, which recognizes that monetary policy effectiveness requires insulation from short-term political pressures. However, the inclusion of sustainable development in the central bank mandate aligns with the **UN Sustainable Development Goals (2015)**, particularly SDG 8 (decent work and economic growth) and SDG 13 (climate action).

The progressive taxation framework, including wealth taxation, is consistent with **ICESCR Article 2(2)**, which requires States to guarantee that economic rights are exercised without discrimination, and the **UN Guiding Principles on Extreme Poverty and Human Rights (2012)**, which emphasize that fiscal policy must be evaluated for its impact on the poorest. The OECD’s framework on Base Erosion and Profit Shifting (BEPS) supports the taxation principles outlined herein.

The exemption of Indigenous nations from federal taxation on territorial lands reflects **UNDRIP Article 20**, which guarantees Indigenous peoples the right to maintain and develop their political, economic, and social systems or institutions, and **Article 23**, which guarantees the right to determine and develop priorities and strategies for exercising the right to development.

The prohibition on ISDS mechanisms aligns with the **UN Declaration on the Rights of Peasants (2018), Article 16**, which protects against arbitrary displacement by corporate actors, and the growing international consensus against ISDS, reflected in the termination of numerous bilateral investment treaties and the EU's shift toward Investment Court Systems.

The Universal Basic Income framework draws from the **ILO's Social Protection Floors Recommendation (2012, No. 202)**, which calls for nationally defined sets of basic social security guarantees, and the **UN Special Rapporteur on Extreme Poverty and Human Rights**, who has endorsed UBI as a mechanism for ensuring dignity and reducing inequality.

Sources: ICESCR Arts. 6–11; UNDRIP Arts. 20, 23; UN Guiding Principles on Extreme Poverty and Human Rights (2012); ILO Recommendation No. 202 (2012); UN SDGs (2015); OECD BEPS Framework; UN Declaration on the Rights of Peasants, Art. 16.

6 FLAG AND NATIONAL SYMBOLS

Section 6.1 Design Principles

All national symbols of Kanatawi shall embody the following principles:

- a) **Pluralism:** Symbols shall represent the diversity of peoples, nations, and territories comprising Kanatawi;
- b) **Indigenous centrality:** Indigenous heritage, languages, and worldviews shall be prominently represented;
- c) **Ecological consciousness:** Symbols shall evoke the land, waters, forests, and living systems of Kanatawi;
- d) **Anti-domination:** Symbols shall reject imagery of conquest, monarchy, or hierarchy;
- e) **Simplicity and dignity:** Symbols shall be reproducible, recognizable, and dignified in all contexts.

Section 6.2 The National Flag

6.2.1 Description

1. The National Flag of Kanatawi shall consist of:
 - A field of **deep green**, representing the forests, lands, and ecological commitment of the Confederation;
 - A central **circle of white**, representing the unity of peoples and the cycle of seasons;
 - Within the circle, a **stylized wampum belt** in gold, representing the treaty relationships between nations;
 - Four **gold rays** extending from the circle to the corners, representing the cardinal directions and the four founding principles: peace, justice, ecology, and democracy.
2. The flag shall be proportioned 1:2 (height to width).
3. The exact Pantone specifications shall be determined by the **National Symbols Commission** and published in the official gazette.

6.2.2 Usage and Protocol

1. The National Flag shall be flown at all federal government buildings, schools, and public institutions.
2. The flag shall be flown at half-mast upon:
 - The death of a Head of State or Chancellor;
 - National days of mourning declared by the Legislative Assembly;
 - Remembrance of atrocities against Indigenous peoples;
 - Environmental disasters affecting the Confederation.
3. No person or entity shall desecrate the National Flag. Desecration shall be defined as intentional physical destruction or defilement motivated by hatred, not including peaceful protest or artistic expression.

4. Indigenous nations and regional territories may fly their own flags alongside the National Flag, with precedence determined by local protocol.

Section 6.3 The National Seal

1. The National Seal shall depict:
 - A **circle of hands** of diverse skin tones, clasped in mutual support;
 - Surrounding the hands, the words “**Kanatawi — A Confederation of Peoples, Nations, and Territories**” in rotation;
 - Beneath the hands, the founding date and the motto “**Consent, Cooperation, Responsibility.**”
2. The seal shall be affixed to all official federal documents, proclamations, and letters patent.

Section 6.4 The National Anthem

1. The National Anthem shall be titled “**The Song of Kanatawi**” (with versions in all official languages).
2. The anthem shall celebrate:
 - The land and waters of Kanatawi;
 - The diversity of its peoples;
 - The treaty relationships binding the Confederation;
 - The commitment to peace, justice, and ecological stewardship.
3. The anthem shall be performed at official occasions, schools, and sporting events. Performance shall not be mandatory for individuals.
4. The lyrics and musical composition shall be determined by the National Symbols Commission following a public competition and consultation with Indigenous cultural councils.

Section 6.5 Official Languages

1. The official languages of Kanatawi shall be:
 - English;
 - French;
 - All Indigenous languages recognized by the Nations’ Chamber as having active speaker communities within Kanatawi.
2. All federal legislation, judicial proceedings, and government services shall be available in English and French.
3. Government services in Indigenous territorial lands shall be available in the relevant Indigenous language.
4. The federal government shall fund Indigenous language revitalization programs, with annual allocation not less than 0.5% of the federal budget.
5. No person shall be discriminated against for using their Indigenous language in any federal, territorial, or educational context.

Section 6.6 The National Symbols Commission

1. A **National Symbols Commission** shall be established as an independent body.
2. The Commission shall consist of:
 - Two representatives from Indigenous cultural councils;
 - One linguist;
 - One historian;
 - One artist or designer;
 - One educator;
 - One citizen selected by sortition from applicants.
3. The Commission shall:
 - Oversee the design and periodic review of national symbols;
 - Ensure symbols remain consistent with the principles of this Section;
 - Manage the public competition process for anthem and flag design;
 - Publish guidelines for respectful use of Indigenous cultural symbols by non-Indigenous entities.

The protection of cultural symbols and languages is mandated by **UNDRIP Article 13**, which affirms Indigenous peoples' right to revitalize, use, develop, and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems, and literatures. **Article 14** further guarantees the right to establish and control their educational systems and institutions in their own languages.

The requirement for Indigenous centrality in national symbols reflects **UNDRIP Article 8**, which prohibits any action that has the aim or effect of depriving Indigenous peoples of their integrity as distinct peoples or of their cultural values or ethnic identities. The UN Special Rapporteur on the Rights of Indigenous Peoples has emphasized that state symbols must not perpetuate colonial narratives or erase Indigenous presence.

The multilingual framework aligns with **ICESCR Article 13**, which recognizes the right to education, and the UN Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage (2003), which includes language as a core element of intangible heritage. UNESCO's Atlas of the World's Languages in Danger provides the evidentiary basis for language recognition.

The prohibition on mandatory anthem performance respects **ICCPR Article 18**, which guarantees freedom of thought, conscience, and religion, and **Article 19**, which protects freedom of expression. The European Court of Human Rights has consistently held that compelled patriotic expression violates freedom of conscience.

The desecration provision, narrowly defined to exclude peaceful protest and artistic expression, is consistent with the **UN Human Rights Committee's General Comment No. 34 (2011)** on freedom of opinion and expression, which permits restrictions on expression only where necessary and proportionate to protect public order or the rights of others.

Sources: UNDRIP Arts. 8, 13–14; ICESCR Art. 13; ICCPR Arts. 18–19; UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003); UN Human Rights

Committee General Comment No. 34 (2011).

7 CITIZENSHIP RULES

Section 7.1 Categories of Membership

Kanatawi recognizes two categories of membership:

- a) **Citizens:** Persons holding full political, social, and economic rights under this Charter;
- b) **Permanent Residents:** Persons lawfully residing in Kanatawi with protected civil and social rights, but without political rights.

Section 7.2 Acquisition of Citizenship

7.2.1 Birthright Citizenship (Jus Soli)

1. Every person born within the territory of Kanatawi shall be a citizen at birth, regardless of the citizenship status of their parents.
2. A person born in Kanatawi to a parent who is a diplomat or consular officer of a foreign state shall not acquire citizenship by birth, unless the other parent is a Kanatawi citizen.

7.2.2 Indigenous Citizenship (Jus Sanguinis and Traditional Membership)

1. Every person who is a member of a recognized Indigenous nation according to that nation's own membership criteria shall be a citizen of Kanatawi.
2. Indigenous nations shall determine their own membership criteria, which may include:
 - Lineal descent from historical community members;
 - Community acceptance and participation;
 - Marriage or adoption into the nation;
 - Self-identification combined with community recognition.
3. Indigenous membership criteria shall not discriminate on prohibited grounds under Article V (race, sex, religion, etc.), except that preference for lineal descendants of the nation's historical community shall not constitute prohibited discrimination.
4. A person recognized as a member by an Indigenous nation shall have the right to register as a Kanatawi citizen, regardless of place of birth or residence.

7.2.3 Naturalization

1. A permanent resident may apply for citizenship after **five years** of lawful residence (reduced to three years for refugees, stateless persons, and spouses of citizens).
2. Naturalization requirements shall include:
 - Demonstrated knowledge of one official language at conversational level;
 - Understanding of Kanatawi's constitutional principles, Indigenous history, and treaty relationships;
 - Good character (no serious criminal convictions in the preceding 10 years);
 - Oath of allegiance to the Constitution and peoples of Kanatawi (not to any individual or dynasty).

3. The Citizenship Authority shall process applications within 12 months. Unreasonable delay shall be subject to judicial review.
4. Citizenship shall not be denied on grounds of political opinion, religion, or peaceful advocacy for constitutional change, including peaceful advocacy for Kanatawi's dissolution or reunification with Canada.

7.2.4 Statelessness Prevention

1. Kanatawi shall not render any person stateless.
2. A person born in Kanatawi who would otherwise be stateless shall be a citizen by operation of law.
3. A person who loses another citizenship upon acquiring Kanatawi citizenship may retain dual citizenship (see Section 7.3).
4. The Citizenship Authority shall maintain procedures for identifying and regularizing stateless persons within Kanatawi's jurisdiction.

Section 7.3 Dual and Multiple Citizenship

1. Kanatawi shall permit **dual and multiple citizenship** without restriction.
2. Citizens holding other citizenships shall:
 - Not be disadvantaged in access to public office, except that the offices of Chancellor and Head of State shall require exclusive Kanatawi citizenship at the time of election;
 - Not be exempt from military or civil service obligations (if established);
 - Be subject to Kanatawi law while within Kanatawi's jurisdiction, regardless of other citizenship claims.
3. Indigenous citizens who are also citizens of other states shall retain all Indigenous rights and treaty benefits.

Section 7.4 Loss and Renunciation of Citizenship

7.4.1 Renunciation

1. Any citizen aged 18 or older may renounce citizenship by formal declaration before the Citizenship Authority, provided:
 - The person holds or is acquiring another citizenship (to prevent statelessness);
 - The person is not subject to pending criminal proceedings;
 - The renunciation is voluntary and informed.
2. Renunciation shall not extinguish Indigenous membership status, which is governed by the relevant nation's own laws.

7.4.2 Revocation

1. Citizenship may be revoked **only** by order of the Constitutional Court, and **only** upon proof that it was obtained through:
 - Fraudulent representation;
 - Concealment of material facts;

- Bribery or corruption of officials.
2. Revocation shall not be permitted on grounds of:
 - Political opinion or expression;
 - Religion or belief;
 - Race, ethnicity, or Indigenous identity;
 - Sexual orientation or gender identity;
 - Peaceful advocacy for constitutional change.
 3. No revocation shall render a person stateless. If revocation would result in statelessness, the person shall be granted permanent resident status with pathway to citizenship.
 4. All revocation proceedings shall be public, with right to legal representation and appeal.

Section 7.5 Residency Rights

7.5.1 Permanent Residency

1. Permanent residency may be acquired through:
 - Family reunification (spouses, registered partners, dependent children, and parents of citizens);
 - Employment sponsorship (with labor market testing to protect domestic workers);
 - Refugee or protected person status;
 - Investment in sustainable enterprises (subject to environmental and social impact review);
 - Long-term residence (10 years lawful residence without citizenship application).
2. Permanent residents shall have the right to:
 - Work and establish businesses;
 - Access education and healthcare;
 - Own property (subject to Indigenous territorial land restrictions);
 - Social security benefits;
 - Due process and equal protection of the law.
3. Permanent residency may be revoked only for:
 - Serious criminal conviction (sentence exceeding two years);
 - Fraudulent acquisition;
 - Extended absence (more than three consecutive years without maintaining ties to Kanatawi).

7.5.2 Free Movement

1. Citizens and permanent residents shall have the right to reside in any part of Kanatawi, subject to:
 - Indigenous territorial land access restrictions (non-members may reside on Indigenous lands only with the nation's consent);

- Public health quarantine regulations;
 - Criminal justice supervision orders.
2. No internal passport or residency permit system shall be established.

Section 7.6 The Citizenship Authority

1. An independent **Citizenship Authority** shall administer citizenship and residency matters.
2. The Authority shall report to the Legislative Assembly annually and shall be subject to audit and judicial review.
3. All citizenship and residency decisions shall be:
 - Made in writing, with reasons;
 - Subject to internal administrative review;
 - Subject to appeal to the ordinary courts;
 - Subject to constitutional challenge before the Constitutional Court.
4. The Authority shall maintain accurate citizenship records while respecting data protection principles under Article V (privacy rights).

The citizenship framework herein is grounded in the **Universal Declaration of Human Rights (1948), Article 15**, which states that everyone has the right to a nationality and that no one shall be arbitrarily deprived of their nationality nor denied the right to change their nationality. The **International Covenant on Civil and Political Rights (ICCPR, 1966), Article 24**, further guarantees every child's right to acquire a nationality.

The prohibition on statelessness is mandated by the **1961 Convention on the Reduction of Statelessness** and the **UNHCR's Global Action Plan to End Statelessness (2014)**. The UN Human Rights Committee has emphasized that deprivation of nationality must not result in statelessness, and that arbitrary deprivation violates Article 15 of the UDHR.

The recognition of Indigenous membership as a basis for citizenship reflects **UNDRIP Article 33**, which affirms Indigenous peoples' right to determine their own identity and membership in accordance with their customs and traditions. This does not impair the right of Indigenous individuals to obtain citizenship of the State. The UN Permanent Forum on Indigenous Issues has consistently supported Indigenous self-determination in membership criteria.

The permissive dual citizenship policy aligns with contemporary international practice. The **European Convention on Nationality (1997), Article 16**, permits multiple nationality and requires that persons possessing the nationality of more than one State be treated as if they had only one nationality in the territory of the State concerned. The Inter-American Court of Human Rights has held that arbitrary deprivation of nationality violates the right to identity.

The prohibition on citizenship revocation for political opinion is consistent with **ICCPR Article 19** (freedom of expression) and **Article 25** (political participation). The UN Human Rights Committee has stated that deprivation of citizenship as punishment for political activity constitutes arbitrary deprivation under Article 15 of the UDHR.

The residency and free movement provisions derive from **ICCPR Article 12**, which

guarantees the right to liberty of movement and freedom to choose residence within the territory of a State, subject only to restrictions provided by law and necessary to protect national security, public order, public health, or the rights and freedoms of others.

Sources: UDHR Art. 15; ICCPR Arts. 12, 19, 24, 25; 1961 Convention on the Reduction of Statelessness; UNDRIP Art. 33; European Convention on Nationality (1997); UNHCR Global Action Plan (2014).

8 TRANSITION PLAN

Section 8.1 Principles of Transition

The transition from existing Canadian institutions to Kanatawi governance shall be governed by the following principles:

- a) **Peaceful and orderly:** Transition shall occur without violence, coercion, or disruption of essential services;
- b) **Democratic mandate:** The founding of Kanatawi shall be authorized by democratic expression of the peoples concerned;
- c) **Indigenous consent:** No transition shall proceed without free, prior, and informed consent from Indigenous nations;
- d) **Legal continuity:** Existing rights, contracts, and obligations shall be respected to the maximum extent consistent with the Charter;
- e) **Personnel protection:** Public servants shall be protected from arbitrary dismissal and afforded retraining or redeployment;
- f) **International law compliance:** Transition shall respect Canada's international obligations and Kanatawi's emerging obligations.

Section 8.2 Phase I: Mandate and Preparation (Months 1–18)

8.2.1 Democratic Mandate

1. A **Founding Referendum** shall be held in all territories seeking to form Kanatawi, requiring:
 - Majority approval in each participating territory;
 - Overall majority of all votes cast;
 - FPIC from each Indigenous nation whose traditional territory lies within the proposed Confederation.
2. The referendum question shall be clear and unambiguous, approved by the Electoral Commission and translated into all official languages.
3. The referendum shall be conducted under international observation (UN, OSCE, or equivalent).
4. A **parallel vote** shall be held in each Indigenous nation on whether to join Kanatawi as a founding nation, with separate majority thresholds.

8.2.2 Preparatory Institutions

1. Upon referendum approval, a **Provisional Council** shall be established comprising:
 - Elected representatives from each participating territory (proportional to population);
 - Delegates from each Indigenous nation that has consented to join;
 - Independent constitutional experts appointed by consensus.
2. The Provisional Council shall:
 - Draft detailed implementing legislation;
 - Negotiate with Canada on:

- Division of federal assets and liabilities;
- Continuity of federal services;
- Border arrangements;
- Citizenship and passport recognition;
- International treaty succession.
- Establish the Electoral Commission and conduct elections for the first Legislative Assembly;
- Prepare the first federal budget;
- Negotiate interim economic arrangements (currency, trade, customs).

Section 8.3 Phase II: Parallel Governance (Months 19–36)

1. The first **Legislative Assembly** and **Executive Council** shall be elected and convened.
2. During this phase, Kanatawi institutions shall operate in parallel with residual Canadian federal administration:
 - Kanatawi shall assume authority over education, health, natural resources, environment, and Indigenous affairs;
 - Canada shall retain authority over defense, foreign affairs, currency, and international trade pending negotiated transfer;
 - Shared administration shall govern taxation, customs, and border control.
3. A **Joint Transition Commission** (Kanatawi–Canada) shall resolve disputes and coordinate the phased transfer of functions.
4. All Canadian federal public servants within Kanatawi’s territory shall be offered:
 - Transfer to equivalent Kanatawi positions with preserved seniority and benefits;
 - Retraining programs for new roles;
 - Voluntary severance packages for those declining transfer;
 - Protection from dismissal for 24 months minimum.

Section 8.4 Phase III: Full Sovereignty (Months 37–60)

1. Kanatawi shall assume full sovereignty over all governmental functions.
2. The National Bank shall commence issuance of the Kanatawi Dollar.
3. Kanatawi shall apply for UN membership and seek recognition from the international community.
4. All Canadian federal institutions within Kanatawi’s territory shall transfer to Kanatawi jurisdiction or be wound down in an orderly manner.
5. A **Truth and Reconciliation Commission** shall be established to document:
 - Historical injustices against Indigenous peoples under Canadian rule;
 - Systemic discrimination and its ongoing effects;
 - Recommendations for reparations, restitution, and institutional reform.

6. The Commission shall complete its work within five years and submit its final report to the Legislative Assembly and the Nations' Chamber.

Section 8.5 Asset and Liability Division

8.5.1 Federal Assets

1. Federal assets located within Kanatawi's territory shall be divided as follows:
 - **Indigenous territorial lands:** All lands, buildings, and resources on Indigenous territorial lands shall transfer to the relevant Indigenous nation;
 - **Regional infrastructure:** Roads, bridges, utilities, and public buildings shall transfer to the relevant RDT;
 - **Federal properties:** Military installations (reduced to defense-only scale), diplomatic premises, and national institutions shall remain federal;
 - **Crown corporations:** Shall be evaluated for transfer to Kanatawi public ownership, cooperative conversion, or regulated private operation, with Indigenous and worker representation in decisions.
2. The division shall be conducted by an independent **Asset Division Tribunal**, with equal representation from Kanatawi, Indigenous nations, and Canada, plus one mutually agreed chair.

8.5.2 Federal Liabilities

1. Kanatawi shall assume a proportionate share of Canada's federal debt, calculated based on:
 - Population proportion (primary factor);
 - GDP contribution of the territories forming Kanatawi;
 - Asset value transferred to Kanatawi.
2. The exact apportionment shall be negotiated and may be subject to international arbitration if agreement is not reached within 24 months.
3. Kanatawi shall honor all federal pension obligations to public servants who transfer to Kanatawi employment.
4. Indigenous nations shall not be liable for any portion of Canada's federal debt incurred prior to their recognition as sovereign partners.

Section 8.6 International Treaty Succession

1. Kanatawi shall conduct a **treaty review** within 24 months of full sovereignty, examining each treaty to which Canada is party and determining:
 - Treaties to continue (with notification to depositaries);
 - Treaties to renegotiate;
 - Treaties to denounce (with appropriate notice periods).
2. Treaties affecting Indigenous rights shall require FPIC from affected nations before continuation or renegotiation.
3. Kanatawi shall prioritize accession to:

- The UN Convention on the Rights of Indigenous Peoples (formal ratification);
- The Paris Agreement on Climate Change;
- The Convention on Biological Diversity and its Protocols;
- ILO Convention 169;
- The Rome Statute of the International Criminal Court.

Section 8.7 Emergency Provisions

1. During the transition period, either Kanatawi or Canada may request **international mediation** of disputes from:
 - The UN Secretary-General;
 - The International Court of Justice (advisory opinion);
 - A mutually agreed international arbitration panel.
2. Neither party shall use force or economic coercion to prevent the transition.
3. In the event of irreconcilable deadlock, the matter shall be referred to the International Court of Justice for binding adjudication.

The transition framework herein is grounded in the **UN Charter (1945), Article 1(2)**, which establishes as a purpose of the United Nations “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.” The **International Covenant on Civil and Political Rights (ICCPR, 1966), Article 1**, affirms that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social, and cultural development.

The requirement for democratic mandate through referendum aligns with the **Venice Commission’s Guidelines on Constitutional Reform (2016)**, which recommend that constitutional transitions be subject to broad public debate and, where appropriate, popular referendum. The Venice Commission’s Report on the Referendum as a Tool of Democracy (2019) further specifies that referendums on territorial status require clear questions, fair procedures, and international observation.

The requirement for Indigenous consent reflects **UNDRIP Article 3** (right to self-determination), **Article 19** (FPIC), and **Article 46**, which provides that nothing in the Declaration may be construed as authorizing or encouraging any action which would dismember or impair the territorial integrity or political unity of sovereign and independent States, but only if achieved through democratic means and with the consent of the peoples concerned. The UN Permanent Forum on Indigenous Issues has consistently emphasized that Indigenous self-determination includes the right to freely determine their political status.

The principle of legal continuity in transition is recognized in the **Vienna Convention on Succession of States in Respect of Treaties (1978)** and the **Vienna Convention on Succession of States in Respect of State Property, Archives and Debts (1983)**, which establish frameworks for the orderly transfer of treaty obligations, assets, and liabilities upon state succession. The International Law Commission’s Articles on the Responsibility of States for Internationally Wrongful Acts (2001) further govern liability for historical injustices.

The protection of public servants during transition reflects **ICESCR Article 6** (right to work) and **ILO Convention 158 (1982)** concerning Termination of Employment, which requires valid reasons for dismissal and procedural safeguards. The UN Guiding Principles on Internal Displacement (1998), while focused on displacement, establish analogous principles of non-discrimination and protection of livelihoods during transitions. The establishment of a Truth and Reconciliation Commission draws from the **UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (2005)**, which recognizes the right to truth about gross human rights violations, and the jurisprudence of the Inter-American Court of Human Rights in *Velasquez Rodriguez v. Honduras* (1988), which established state obligations to investigate, prosecute, and provide reparations for human rights violations.

Sources: UN Charter Art. 1(2); ICCPR Art. 1; UNDRIP Arts. 3, 19, 46; Vienna Conventions on State Succession (1978, 1983); Venice Commission Guidelines on Constitutional Reform (2016); ICILC Articles on State Responsibility (2001); ICESCR Art. 6; ILO Convention 158 (1982); UN Principles on Combating Impunity (2005).

CLOSING PROVISIONS

Interrelation with the Founding Charter

This Appendix forms an integral part of the Founding Charter of Kanatawi. In the event of any inconsistency between the provisions of this Appendix and the Articles of the Founding Charter, the Articles shall prevail, and this Appendix shall be interpreted consistently with the principles and purposes of the Charter.

Amendment

Provisions of this Appendix may be amended through the mechanisms established in Article XI of the Founding Charter (Constitutional Renewal), including:

- Democratic participation through the Legislative Assembly;
- Indigenous nation approval where affected;
- Public ratification by referendum where required.

Entry into Force

This Appendix shall enter into force simultaneously with the Founding Charter of Kanatawi, upon the completion of the transition process described in Section 8 and the formal proclamation of the Confederation.

“This Constitution belongs to the people and future generations.”

The Founding Charter of Kanatawi

Appendix: Constitutional Architecture — Next Layers