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\w\j\feTraditions and customary association between people over time supply the basic necessities for a nation to naturally unfold. This process requires no intervention from outside the population, nor does it require conscious effort by the people of the nation itself. Simple need and mutual want - the act of unconscious will - allow a nation of people to form a common heritage, and a common culture. When social and cultural patterns become encoded in the collective consciousness of the nation so that all of the nation's members come to accept and respect particular customs and rules of conduct, the nation may be said to have established a \ficonstitution\fe. *or a ^{1st} social contract\fe.*

All tribal societies, in order to conduct tribal life, have a constitution that defines the organizations, institutions and customary laws of the nation. While no other nations may know or understand the constitution of a tribal society; and while no other nation may recognize the constitution that guides tribal life the tribal constitution remains in place until the nation changes its way of doing things.

1: \f1What is a Constitution?\b

\feThe customary rules of conduct, the organizations and institutions and the collective aspirations of a nation of people form the basis of a constitution. Whether a part of the oral tradition of a society, symbolized in beaded belts, totem poles and markings on stone walls, or etched on clay tablets or written on paper a nation's constitution functions as the law that binds the people of a nation together in a common cause.

A tribal civilization's system of rule and order is contained in the constitution. The constitution is the \fisacred contract \fe between all of the people in the nation; committing all members of the nation to common goals and aspirations - a collective commitment to the well-being of each individual and a commitment by each individual to the well-being of the nation.

2: \f1Constitutions, their form and contents\b

✓ \f4Sacred contracts \feor constitutions between the people of a nation exist in many forms. They are a part of the oral tradition or the symbolic tradition. By either means, a nation records its constitution for its present and future guidance. Many nations express their constitution solley in the form of oral tradition. Spiritual leaders or other selected individuals are recognized by the society as having the responsibility for explaining the customary laws of the nation. Such individuals are highly regarded and respected. Their role among the people is so very special that their duty to the people demands exacting honesty, consistency and selflessness. Keepers of the Law or similar descriptions are usually attached to these individuals or groups of people within a

nation.

Constitutions are also recorded in the form of beaded belts, etchings on stone or wood in the form of pictorial displays, and even in the placement of natural elements on the landscape in the form of mounds of soil, movement of stones and the building of stone and soil monuments. Finally, constitutions are written in symbolic language in clay hardened for permanence, or on bark, parchment and paper. The many constitutional forms reflect the wide diversity and variety among nations themselves. No single form is any more or less valid than any other - it is only different.

As the form of constitutions varies from nation to nation, so it is true that the contents of constitutions vary. Some constitutions are primarily concerned with rules of conduct and descriptions of institutions for governing. Some constitutions simply describe principles. Whether recorded as oral tradition, ceremony or encoded in pictorial or written form \fiall constitutions describe the fundamental laws of a nation\fe.

Unwritten constitutions, as well as written constitutions vary from the simple and direct to the complex and obscure. The more simple and direct a constitution, the more precise and consistent it tends to be. And, such constitutions tend to be understood and carefully followed by the members of the nation. It is also generally true that the simple and direct constitution tends to change more smoothly with the needs and wants of the nation. The unwritten constitutions of nations tend to be more clearly understood by succeeding generations, and they tend to create a stronger bond among the people - especially if there is no external interference. Written constitutions which are short and which are

written in a language in which the population is wholly literate also tend to create strong bonds among the people. But, when a written or unwritten constitution is long and complicated, containing many details, members of a nation tend to engage in many disputes - causing the nation to be unstable and confrontational. While simple and direct constitutions tend to be flexible and adjustable according the people's needs and wants, a long and complex constitution tends to promote rigidity and a general inability to meet changing needs and demands.

All constitutions are subject to change. Either changes in a nation's constitution simply evolve over time, or a specific decision is made to change or amend ~~the~~ ^{it} constitution. The method for making such changes is determined by the accepted practices of the people, ~~and~~ ^T the method, therefore, varies from nation to nation. The reasons for change are more commonly shared by all nations. These include: debates between members of a nation over the meaning of certain constitutional provisions; changing social, cultural, and environmental conditions; adjustments in the relations between members of a nation; and, adjustments in the exercise of power among groups or factions within a nation. When the method for making changes in a nation's constitution are well understood and satisfactory to the people, changes are not only possible, but they are generally accomplished without significant disruption of the nation. If, however, the methods are not acceptable to parts of the nation, then conflict and social disintegration of the nation can result. A naturally evolved or well considered constitution reduces the liklihood of serious national upheaval.

3: \f1The People, Tribal Government and Law of the Land\b

\feAccording to its wants and needs, a nation, a tribal society develops a constitution that provides for continuity and reasonable stability in the social, economic, political and cultural life of the people. Whether written or unwritten, the constitution governs the life of the nation and its affairs. Again, according to its needs and wants, a nation forms organizations and institutions to provide for the people. Often, the organizations and institutions of a society operate in a \fidecentralized \fefashion in accordance with the \filaws of the land\fe. Sometimes the organizations and institutions of governance are partially decentralized and partially centralized. And, finally some nations completely centralize the institutions of governance. The constitution of a nation usually describes or provides for the organization of governance in one of these three ways.

The degree of decentralization and centralization of a nation's system of governance is largely determined by the extend and degree the nation perceives its interests as being threatened by outside forces. Depending on the rise and fall of external hostilities, and sometimes the extent of internal instability a nation will fortify its ability to defend collective continuity by increasing or decreasing the authority of its governing institutions.

When a tribal government is broadly decentralized, the level of control and influence the people have over their lives is considerable, though the ability to consistantly and vigorously defend the collective interests of a nation against rival neighbors is reduced. Highly centralized tribal governments reduce the possibility of the people to control and influence the future of the

nation, but the ability to defend against outsiders is enhanced. A balance between decentralization and centralization of tribal governance typically results in favorable conditions for the nation both internally and externally.

Under all circumstances of decentralization and centralization, the people and their institutions of governance are bound by the law of the land as provided in the tribal constitution. When the institutions of governance fail to abide by the laws of the land, it becomes an obstacle to the nation's security and sense of well-being. It is under such circumstances that a tribal government is changed by the nation that created it. By virtue of willful acts by the nation's population, a government which no longer serves their needs will inevitably be changed or replaced.

4: \f1What about Constitutions of Nations and States?\b

When some people think of constitutions, they often think of them as being documented on slips of paper, and because of this they think that only states have a constitution. Others think of constitutions as a form of government, and they assume that if a state has a constitution written down then it is somehow more "legitimate" than states which have unwritten constitutions. Similarly, there is the unwarranted belief among many that a nation with a written constitution is somehow more legitimate than a nation which has a unwritten constitution. Such beliefs are more a product of "blind patriotism" for one's own state or nation than they are a product of clear understanding.

Most nations in the world have not documented their constitution

in written form. The Yakima, Nuxalk and Iroquois Confederacy in North America, the Yanomamo and Mapuche of South America, and the Kapauku Papuans of West New Guinea along with the Chakma and Tanchangyas of Bangladesh are among the many nations in the world that have constitutions which are not written down. Great Britain and Israel are among the several states that have constitutions which are not written.

Still, many nations have documented their constitution in written form. The Moari of New Zealand, Palestinians of the Middle East and the Onieda, Navajo, Cree and Quinault of North America have written constitutions. States like China, France, Australia and Colombia have written constitutions.

✓ ~~Whether~~ ^{IF} written or unwritten, the concept of a constitution or body of laws to guide a people is universal throughout human society. From nation to nation, and state to state the constitution has the same significance and function. But, even as some are willing to recognize the universality of constitutions among nations and states, they are unwilling to recognize that nations have the same standing as states among human societies in the world.

\f1Nation\fe, as the word implies, is the result of a natural coming together of human beings without coercion. A \f1state\fe, on the other hand, is commonly the result of an artificially imposed process of people being placed within the bounds of an entity that is established without concern for natural environmental limitations or consideration of commonalities among peoples. \f1Many nationalities may be embraced by a state including some which neither chose to join the state or participate in its formation\fe. While states often encompass many nationalities, there are few

contemporary examples where a nation has formed a state.

The world community includes about 165 states, but there are literally thousands of nations. The constitution of each nation and each state largely determines how they deal with each other. Since nations are often neighbors, and states frequently geographically surround nations, certain conventions or rules of conduct between nations and between nations and states have developed over centuries. The root source of these \flinternational \ferules of conduct can be found in the constitutions of nations and states. The customary relations between members of a nation are drawn from natural law, and so it is also the case that relations between nations are determined by natural law. But, as we shall see, while human societies have achieved great stability and prospered under their constitutions - the compacts between members of a nation; relations between nations and nations and states have not been marked with such success.

Neighboring nations have demonstrated over hundreds of centuries that they can have friendly and non-confrontational relations for long durations of time. And, that nations can coexist as a part of theoretical \flfamily of nations\fe. Just as nations have constitutions to ensure a cooperative and orderly life between members, nations extended this natural concept into efforts aimed at establishing cooperative and orderly relations between nations. Relations between nations, and between nations and states, are formed through \flinternational contracts \feknown simply as agreements or treaties, compacts and conventions. Unlike constitutions of nations, international agreements have few commonly accepted methods for ensuring consistency and continuity. We will

discuss these matters next.

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