

**FIRST NATION**

**OF**

**NACHO NYAK DUN**

**CONSTITUTION**

As amended 09 06 27  
At the Annual Meeting of the Assembly  
Adopted by consensus

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As amended 08 06 28  
At the Annual Meeting of the Assembly  
Adopted by consensus

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As adopted 92 08 21  
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Adopted by consensus  
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**PART I -- FUNDAMENTAL PRINCIPLES**

1. NACHO NYAK DUN TRADITIONS

Since time immemorial, Nacho Nyak Dun have made their lives together in our traditional territory. We have accepted the unique responsibilities bestowed on us by God, to serve for all time as custodians of the territory's lands, waters and resources. We have governed ourselves and our affairs so as to respect the spirit, the needs and the inter-dependence of each other and of all living things.

Our people have experienced difficult times, especially after others came to our homeland and governments denied our rights. But our ancestors and elders persisted in upholding our own values and way of life. They refused to sell or abandon our rights or our responsibilities.

As Nacho Nyak Dun we hereby reaffirm our ancient relationship to God, to each other and to our traditional territory. We reaffirm our culture and traditional values, and our unique collective rights and responsibilities.

Governments have now said they will recognize and help to protect the Nacho Nyak Dun way of life based on our traditional territory. Therefore we will be able to continue sharing the land and resources with others. That sharing will in future be with our full consent, based on the retention and definition of our aboriginal rights, titles and interests as agreed in First Nation of Nacho Nyak Dun Settlement Agreements.

In this Constitution we are defining the form of First Nation government by which we shall govern ourselves and our affairs in the future. In doing this we have relied on the teachings of our elders. Those teaching evolved in the past, and we have now drawn upon them again, to establish a Constitution which is appropriate for the new relationship with governments which we are beginning on the basis of First Nation of Nacho Nyak Dun Settlement Agreements.

2. THE SUPREME LAW OF THE FIRST NATION OF NACHO NYAK DUN
  - 2.1 Therefore the First Nation of Nacho Nyak Dun, meeting together in Assembly, hereby adopt this Constitution.
  - 2.2 This Constitution describes our paramount laws. Its application to all Nacho Nyak Dun is not limited by time or place. All Nacho Nyak Dun Laws and other actions by Governing Bodies shall be consistent with its provision.
  - 2.3 All parts of this Constitution are to be interpreted and applied consistently with Fundamental Principles in this Part.
3. RESPONSIBILITIES OF NACHO NYAK DUN CITIZENS AND GOVERNING BODIES
  - 3.1 Nacho Nyak Dun have primary responsibility for the maintenance of our values and traditions, and the well-being of our people. Those responsibilities do not end by our creation of new First Nation Governing Bodies.
  - 3.2 As individuals Nacho Nyak Dun, we should strive to carry out our continuing responsibilities, including the following:
    - 3.2.1 learn from the examples of our Elders, and, based on a foundation of sobriety, build lives of honesty, unselfishness, life-long learning, faith in God and love of our fellow human beings;
    - 3.2.2 ensure that our People will always have adequate food, clothing and shelter;
    - 3.2.3 actively participate in the exercise of our First Nation Government; and
    - 3.2.4 honour and observe this Constitution.
  - 3.3 Nacho Nyak Dun must also act collectively to protect and continue our way of life. As a self-governing people, we shall do so through the Governing Bodies in this Constitution.

- 3.4 Those Governing Bodies must always remain responsible to Nacho Nyak Dun and our traditional values. Therefore Nacho Nyak Dun Laws and the actions of Governing Bodies shall be consistent with the following principles:
- 3.4.1 all powers and authority are to be exercised with respect, and in a fair, non-discriminatory and non-abusive manner;
  - 3.4.2 all powers and authority are to be exercised so as to allow for the full and free expression and participation of all Nacho Nyak Dun;
  - 3.4.3 in making decisions, Governing Bodies shall strive for consensus;
  - 3.4.4 all powers and authority are to be exercised for the protection of the land, including the conservation and enhancement of all living things;
  - 3.4.5 all powers and authority are to be exercised so as to protect, secure and enhance the spiritual, physical, mental, emotional and social well-being of all Nacho Nyak Dun, including future generations; and
  - 3.4.6 subject to 3.4.4. and 3.4.5, all powers and authority are to be exercised so as to recognize and respect the needs and interests of citizens of other First Nations and our non-Indian neighbours, and of their governments.
- 3.5 Members of the Council, Elders Council, the Chief, Deputy-Chief and Justice Officials shall be persons recognized to be of a sober mind or actively seeking treatment for any substance abuse behaviour.

3.6 Governing Bodies are accountable to Nacho Nyak Dun citizens for carrying out their responsibilities, and shall provide reports as required by the Assembly, the Council or Nacho Nyak Dun Laws. Each Governing Body which has authority to spend Nacho Nyak Dun monies, including transfer payments, shall present a full audited financial statement to the Annual Meeting of the Assembly.

4. PROTECTION OF NACHO NYAK DUN ABORIGIINAL AND TREATY RIGHTS, TITLES AND INTERESTS
  - 4.1 The following limits on the authority of First Nation of Nacho Nyak Dun Governing Bodies are established in order to secure the well-being of all Nacho Nyak Dun in perpetuity.
  - 4.2 A Governing Body shall not directly or indirectly cede, release, surrender, extinguish, diminish or waive any Aboriginal or Treaty right, title or interest of the First Nation of Nacho Nyak Dun, including such right, title or interest in Settlement Land.
  - 4.3 Compensation Funds pursuant to the First Nation of Nacho Nyak Dun Final Agreement shall be managed as a perpetual endowment for the benefit of all Nacho Nyak Dun. A Governing Body shall not directly or indirectly distribute or disburse the principal amount of that endowment or the portion of investment income required to maintain its constant value after inflation.
  - 4.4 An amendment to First Nation of Nacho Nyak Dun Settlement Agreements must be approved by both the Council and the Assembly.



**PART II -- DEFINITIONS**

5     DEFINITIONS APPLICABLE TO THE CONSTITUTION:

5.1    "Governing Body" means:

5.1.1     Assembly;

5.1.2     Council;

5.1.3     Chief;

5.1.4     Deputy-Chief;

5.1.5     Elders Council; and

5.1.6     Youth Council;

5.2    "Nacho Nyak Dun Laws" means laws and regulations made by the Assembly and regulations made by the Council.

5.3    "Settlement Agreement" include the First Nation of Nacho Nyak Dun Final Agreement, Self Government Agreement, Transboundary Agreements and other such Agreements.

5.4    "Justice Official" include judges, arbitrators, counsellors and other such officials who are designated to decide disputes, appeals and other such matters, within the Justice System.

**PART III -- FIRST NATION OF NACHO NYAK DUN GOVERNING BODIES**

6. ASSEMBLY

- 6.1 The First Nation Assembly of Nacho Nyak Dun has overall responsibility for First Nation government powers and responsibilities.
- 6.2 The Assembly shall be comprised of all Nacho Nyak Dun citizens sixteen (16) years or older.
- 6.3 The Annual Meeting of the Assembly shall be convened once per year, no sooner than 10 and no later than 13 months after the close of the preceding Annual Meeting.
- 6.4 At each Annual Meeting of the Assembly at least three (3) General Meetings of the Assembly shall be scheduled, to be held before the next Annual Meeting. The Council may convene other General Meetings of the Assembly as required.
- 6.5 Notice for all meetings of the Assembly shall include public posting on First Nation of Nacho Nyak Dun Settlement Lands and buildings, and in the media.
- 6.6 Meetings of the Assembly shall be convened with at least thirty (30) days Notice to Nacho Nyak Dun citizens. When required by special circumstances, the Council may convene an emergency meeting on appropriately shorter notice, in order to deal with particular urgent matters.
- 6.7 The Assembly shall conduct its affairs by open votes. Subject to Part VI, when consensus cannot be achieved the Assembly may act upon the affirmative vote of at least sixty (60) per cent of those present and eligible to vote. In no case shall the Assembly approve a decision or action which is agreed to by fewer than twenty-five (25) citizens present and participating.
- 6.8 The Assembly has overall First Nation government authority for the protection and good government of Nacho Nyak Dun and their rights, titles and interests, and may enact Nacho Nyak Dun Laws in relation to all matters recognized in the First Nation of Nacho Nyak Dun Settlement Agreements and other matters pursuant to the inherent rights of Nacho Nyak Dun.

- 6.9 In order to carry out its functions and responsibilities, the Assembly may:
- 6.9.1 expressly delegate some of its powers or authorities, on terms;
  - 6.9.2 authorize the collection or expenditure of funds by Governing Bodies;
  - 6.9.3 review the performance of Governing Bodies;
  - 6.9.4 authorize agreements between the First Nation of Nacho Nyak Dun or Governing Bodies and other First Nations, Governments, bodies, entities or persons;
  - 6.9.5 establish Committees of the Assembly;
  - 6.9.6 appoint or remove from office, officials, employees or agents of the Assembly;
  - 6.9.7 seek and consider the advice of the Elders Council;
  - 6.9.8 appoint persons to inquire into and report upon particular matters; and
  - 6.9.9 take other steps to give effect to this Constitution and Nacho Nyak Dun Laws.

7. COUNCIL

- 7.1 The First Nation Council of Nacho Nyak Dun has overall responsibility to provide direction and guidance for the management, operation and administration of the First Nation of Nacho Nyak Dun in a manner consistent with any direction provided by the Council and Assembly.
- 7.2 The Council shall be comprised of:
- 7.2.1 one Chief;
  - 7.2.2 one Deputy-Chief;
  - 7.2.3 four Councillors;
  - 7.2.4 one Elder Councillor; and
  - 7.2.5 one Youth Councillor.
- 7.3 Each member of the Council shall be:
- 7.3.1 a Nacho Nyak Dun citizen; and
  - 7.3.2 elected to a four-year term by a majority vote of Nacho Nyak Dun citizens in accordance with Nacho Nyak Dun Laws, other than the Elder Councillor who shall be appointed by the Elders Council for a term of one year in accordance with its written rules.
- 7.4 The Youth Councillor shall be no older than twenty-six years of age on the date of the election or by-election.
- 7.5 The Elder Councillor shall be at least sixty years of age.
- 7.6 If a member of the Council cannot continue in office, a successor shall be elected by a majority vote of Nacho Nyak Dun citizens in accordance with Nacho Nyak Dun Laws to fulfill the remainder of the term.
- 7.7 The quorum for all meetings of the Council shall be the Chief or Deputy-Chief and any four members of the Council.

- 7.8 The Council shall exercise overall administrative authority to represent and protect Nacho Nyak Dun and their rights, titles and interests, and to implement Nacho Nyak Dun Laws. For those purposes it shall implement Resolutions of the Assembly and may take other steps allowed under this Constitution, including but not limited to the following:
- 7.8.1 administer and implement Nacho Nyak Dun Laws;
  - 7.8.2 enact regulations authorized by Nacho Nyak Dun Laws;
  - 7.8.3 develop and enact policies;
  - 7.8.4 develop and administer programs to provide services;
  - 7.8.5 protect, administer and manage all First Nation of Nacho Nyak Dun interests, including interests in and to Settlement Lands, monies, capital and other assets;
  - 7.8.6 make recommendations to the General Assembly;
  - 7.8.7 provide for the registration and publication of Nacho Nyak Dun Laws, and the policies, actions and decisions of Governing Bodies;
  - 7.8.8 negotiate and conclude agreements on behalf of the First Nation of Nacho Nyak Dun;
  - 7.8.9 expressly delegate some of its functions, on terms;
  - 7.8.10 provide for the appointment, duties, remuneration, tenure and termination of officers, employees, servants and agents of Governing Bodies;
  - 7.8.11 establish continuing or temporary committees; and
  - 7.8.12 convene Meetings of the Assembly.
- 7.9 At every meeting of the Assembly, the Council shall report on its activities. At every Annual Meeting of the Assembly, the Council shall report on the activities of all Governing Bodies, including financial matters.

8. CHIEF

- 8.1 The First Nation Chief of Nacho Nyak Dun is responsible to provide overall political leadership.
- 8.2 If the Chief cannot continue in office, the Deputy-Chief will assume those duties temporarily until the successor is elected by a majority vote of Nacho Nyak Dun citizens in accordance with Nacho Nyak Dun Laws to fulfill the remainder of the Chief's term.
- 8.3 The Chief shall exercise overall political leadership to represent and protect Nacho Nyak Dun and their rights, titles and interests, and to implement Nacho Nyak Dun Laws. For those purposes, he shall implement Resolutions of the Assembly or Council, and may take other steps allowed under this Constitution, including but not limited to the following:
  - 8.3.1 act as principal spokesperson and representative of the First Nation of Nacho Nyak Dun;
  - 8.3.2 encourage the resolution of internal disputes and conflicts within the Nacho Nyak Dun communities and Governing Bodies;
  - 8.3.3 encourage and guide Nacho Nyak Dun citizens to respect the spiritual traditions of our ancestors; and
  - 8.3.4 participate in Governing Bodies.

9. DEPUTY-CHIEF

- 9.1 The First Nation Deputy-Chief of Nacho Nyak Dun has responsibility to:
- 9.1.1 carry out the responsibilities of the Chief in the absence of the Chief or upon the direction of the Chief; and
  - 9.1.2 fulfill any other responsibilities and tasks as directed by the Assembly or Council.
- 9.2 If the Deputy-Chief cannot continue in office, the Council shall appoint a person to temporarily hold the office until the successor is elected by a majority vote of Nacho Nyak Dun citizens in accordance with Nacho Nyak Dun Laws to fulfill the remainder of the Deputy-Chief's term.

10. ELDERS COUNCIL

- 10.1 The First Nation Elders Council of Nacho Nyak Dun is responsible to provide advice and assistance to Nacho Nyak Dun and Governing Bodies, so as to ensure the continuity of our values and traditions.
- 10.2 The Elders Council shall make written rules with respect to:
- 10.2.1 its membership requirements;
  - 10.2.2 the conduct of its meetings, including quorum and notice requirements of such meetings;
  - 10.2.3 the scheduling of its meetings; and
  - 10.2.4 other matters related to the operations of the Elders Council.
- 10.3 The Elders Council shall provide advice and assistance to Nacho Nyak Dun and Governing Bodies, and may take other steps allowed under this Constitution, including but not limited to the following:
- 10.3.1 advise the Council and Assembly on relevant matters, including law and policy;
  - 10.3.2 advise other Governing Bodies;
  - 10.3.3 work with the Youth Council to teach and promote the Northern Tutchone culture and language to Nacho Nyak Dun citizens; and
  - 10.3.4 assist the Council and other Governing Bodies to resolve conflicts and promote harmony and healing.



11. YOUTH COUNCIL

- 11.1 The First Nation Youth Council of Nacho Nyak Dun is to provide leadership to Nacho Nyak Dun youth regarding participation in the community and First Nation government.
- 11.2 All Nacho Nyak Dun citizens who are no older than twenty-six years may be members of the Youth Council in accordance with the written rules made by the Youth Council.
- 11.3 The Youth Council shall provide advice and assistance to Nacho Nyak Dun and Governing Bodies as requested, and may take other steps allowed under this Constitution, including but not limited to the following:
- 11.3.1 learn about Nacho Nyak Dun values, traditions and the operation of Governing Bodies;
  - 11.3.2 assist members of the Council and Elders Council in their functions and responsibilities;
  - 11.3.3 attend meetings of Governing Bodies;
  - 11.3.4 advise Governing Bodies on matters of concern to Nacho Nyak Dun youth;
  - 11.3.5 encourage youth to honour and observe this Constitution and Nacho Nyak Dun Laws, regulations and policies made under it; and
  - 11.3.6 arrange programs for Nacho Nyak Dun youth.
- 11.4 The Youth Council shall make written rules with respect to:
- 11.4.1 its membership requirements;
  - 11.4.2 the conduct of its meetings, including quorum and notice requirements of such meetings;
  - 11.4.3 the scheduling of its meetings; and
  - 11.4.4 other matters related to the operation of the Youth Council.

12. JUSTICE SYSTEM

12.1 The First Nation Justice System of Nacho Nyak Dun shall be established, maintained and organized according to Nacho Nyak Dun Laws.

12.3 The Justice system shall be established, maintained and organized so as to function independently of other Governing Bodies. Justice Officials and Bodies shall perform prosecutorial, judicial and dispute resolution functions authorized by Nacho Nyak Dun Laws, in accordance with this Constitution. For those purposes such Officials and Bodies may perform necessary and appropriate functions, including but not restricted to the following:

12.3.1 the adjudication of proceedings and disputes involving Nacho Nyak Dun Laws;

12.3.2 determining appeals from the decisions or actions of Governing Bodies in accordance with Nacho Nyak Dun Laws;

12.3.3 participation in the administration of the Justice system;

12.3.4 participation in the adjudication of other types of proceedings and disputes under Laws of Canada, Yukon or other First Nations; and

12.3.5 determining the validity of a Nacho Nyak Dun Law that has been challenged and, if the challenged Nacho Nyak Dun Law is found to be invalid, quash it.

**PART IV -- GENERAL MATTERS**

13. REMOVAL FROM OFFICE

13.1 Members of Governing Bodies may be removed from office in the following manners, if no longer fit to hold office:

13.1.1 Chief, Deputy-Chief, Councillors, Elder Councillor and Youth Councillor - upon recommendation of the Council or a petition by forty (40) Nacho Nyak Dun citizens, who are at least sixteen years, the Annual Meeting of the Assembly may remove from office the Chief, Deputy-Chief, a Councillor, the Elder Councillor or the Youth Councillor.

13.1.2 Other Governing Bodies - in the manner provided by Nacho Nyak Dun Laws.

## 14. APPEALS

14.1 The Assembly shall enact Nacho Nyak Dun Laws based on the following principles, to provide for appeals for all decisions or actions of Governing Bodies.

14.1.1 Appeals from all decisions or actions made by Governing Bodies and which involve Nacho Nyak Dun Law or policy, shall be exclusively determined according to Nacho Nyak Dun Laws and rules for such appeals pursuant to this Constitution.

14.1.2 No other forms of appeal or judicial review of such a decision shall be commenced or considered until all appeals pursuant to Nacho Nyak Dun Law have been exhausted.

14.1.3 Only persons directly affected or prejudiced by such a decision or action shall have a right of appeal therefrom.

14.1.4 All such appeals shall initially be to the Governing body which made the decision or authorized the action appealed from. In that initial appeal the Governing Body shall review all aspects of the decision or action complained of, and shall make the decision or authorize the action it considers would have been proper at first instance.

14.1.5 Further appeal(s) shall be to the Justice system as provided for by Nacho Nyak Dun Law.

14.1.6 A final appellate decision in the Justice system shall be final and binding on all parties, and not subject to further appeal or review in any Court.

## 15. FINANCIAL MATTERS

15.1 The financial records, accounts and reports related to the activities of the First Nation of Nacho Nyak Dun shall be available, upon reasonable notice, for review by any Nacho Nyak Dun citizen at the principal administrative offices of the First Nation of Nacho Nyak Dun.

**PART V -- CITIZENSHIP CODE**

16. AUTHORITY FOR CITIZENSHIP MATTERS

16.1 All matters pertaining to Nacho Nyak Dun citizenship are within the exclusive jurisdiction of the First Nation of Nacho Nyak Dun, and shall be determined according to this Constitution and Nacho Nyak Dun Laws.

17. PERSONS WHO ARE NACHO NYAK DUN CITIZENS

17.1 The following are Nacho Nyak Dun citizens:

17.1.1 A person registered on the Mayo Indian Band list of the Department of Indian Affairs, prior to the enactment of this Code.

17.1.2 A person who is enrolled pursuant to the First Nation of Nacho Nyak dun Final Agreement.

17.1.3 A person eligible pursuant to 17.1.1 or 17.1.2.

17.1.4 A person who has Nacho Nyak Dun ancestry.

18. SPECIAL CITIZENS

18.1 A person who does not have Nacho Nyak Dun ancestry may become a Nacho Nyak Dun Special Citizen if he has a special relationship with Nacho Nyak Dun, is sponsored for citizenship by a Nacho Nyak Dun citizen, and is accepted as a Special citizen by the Elders Council.

18.2 In determining whether to accept a person as a Special citizen, the Elders Council shall consider all relevant factors, including the following:

18.2.1 Shared language, spiritual and cultural traditions.

18.2.2 Knowledge of the land and the traditional way of life.

18.2.3 Length of residence in Nacho Nyak Dun communities.

18.2.4 Place of Birth.

18.3 The descendants of Special Citizens must individually apply for their own citizenship status, pursuant to this Code.

19. LOSS OF NACHO NYAK DUN CITIZENSHIP

19.1 A person ceases to be a Nacho Nyak Dun citizen when the following occurs:

19.1.1 After giving written notice to the Elders Council of an intention to renounce Nacho Nyak Dun citizenship, and consideration of all factors by that Council, a person receives a written notice from the Elders Council that he is no longer a Nacho Nyak Dun citizen.

19.1.2 A person becomes a citizen of another First Nation.

19.1.3 The termination of marriage of a person whose citizenship was derived solely from that marriage.

19.1.4 When the Elders Council decides, after appropriate notice and consideration of all relevant information, that a person was enrolled by mistake or fraud, and did not initially qualify as a citizen. Such a person shall be deemed to never have been a Nacho Nyak Dun citizen.

20. CITIZENSHIP APPEALS

20.1 Decisions pertaining to citizenship may be appealed to Elders Council by an applicant for citizenship or a Nacho Nyak Dun citizen interested in a particular application. On such an appeal the Elders Council shall give its decision in writing.

20.2 Further appeals shall be provided pursuant to Section 15.

**PART VI -- CONSTITUTIONAL AMENDMENT**

21. PROCEDURES FOR AMENDMENT OF THIS CONSTITUTION

This constitution may only be amended by the Annual Meeting of the Assembly. Amendments to Parts II, III, IV or V may be made at one Annual Meeting, and amendments to Parts I, or VI require passage at two consecutive Annual Meetings.

Proposed amendments must be provided in writing to Council and also included in written notices of the Annual Meeting of the Assembly where they will be considered, at least thirty (30) days prior to the Annual Meeting.

In considering proposed amendments, the Annual Meeting will strive for consensus. The Chairperson will endeavour to assist the reaching of consensus by providing opportunities for persons holding differing views to seek agreement. Failing consensus, a proposed amendment to the Constitution may be passed by the affirmative vote of seventy-five (75) percent of the citizens of the Assembly present at an Annual Meeting. In no case shall an amendment to this Constitution be passed when fewer than forty (40) citizens of the Assembly are present and participating.