

GŪKĒYEH GŪK'ÉH GŪS'ĀNĪ K'ŪGÉ'

KASKA NATIONAL CONSTITUTION

Prepared for:
Consultation with Communities

Prepared by:
Kaska Constitution Working Group

Explanatory Memorandum

All of the provisions in this draft are proposals only. They result from discussions held by the Kaska Dena Constitution Working Group, and community consultations and legal review up to and including December 20, 2007

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PREAMBLE Dene K'éh Gús'ānī K'úgé'

Kaska Dene lēts'ıht'ā. Dedī Dene K'éh Gús'ānī K'úgé' lāt'ā. Dedī Dene K'éh gūgūdesdēje mek'éh kūngūhdēlī.

Kaska Dene Ts'ıyōné' Dene, Mésghā Dene lānts'ıht'ā. Dedī k'úk kā gekēyeh gegūnesgedzī lānéyéh dāchō' ıyéh dūlā gūkēyeh ánts'e'ā lā.

Kēts'entēdé' gūk'éh gūs'ānī yédé, sa'ā gūts'ıh gūdejī ı yédé, dēsgūh nents'edēlī yédé, á'ı yédé, gūzāgı yédé, sék'ādé kēsgūh gūs'ān. Dedī Gūkēyeh Gūk'éh Gūs'ānī K'úgé' kā wédé gūk'éh gū'ān dege. ı Constitution k'úgé' section 35 kēgūdī' k'éh gūk'úge' k'ı kēt'e dege. Dene k'éh gūts'ededéh, Tū Lıdlını k'éh, Héstah k'éh, Tūchō k'éh, Tsēlōne k'éh, yélıt'éh gūts'ededéh.

Sa'ā gūts'ıh wédé dēsgūh gūk'éh gūs'ānı sék'ādé kēgūht'e'. Dēsgūh Dene k'éh gūs'ānı dūlā ánts'ede'ā. Kēts'entēdé gūdené' ełıgē' lēnts'ıht'ā. Dūlā gūskānı k'éh dene eyūhı genlá' yéts'ēnlıne.

Lāné gūkēyéh yéts'ēnlıne. Wédé mekā kēnt'ēdé gūk'éh gūs'ānı lā. ıyéh gūkēyeh yédé kédzent'édé lēnts'ıht'ā.

Kēdzendzen yéh Dene k'éh gūs'ānı wédé:

- Dene á' nezen yéh gūchō' kegehdı dene k'éh, dene gūsdējı dege.
- Dene yédānehdı dé', dene ts'ı' nēhdı, dene yáh'ā (béde, kōq yédé), dene gūtıe sūneh'ın, dene ts'ı' gūtıe gūdahdéh.
- Enét'ē gūkēyeh k'éh gūs'ānı gūtıe sūneh'ın.
- Dedī gūkēyeh kā dene yādéh'ın dé kēnt'ēdé yē denge'ın dé kēdehdı.
- Dedi gūkēyeh kā deyānts'ū'ā'ı.
- Dedī gūkēyeh enét'ē sūgūts'ūnū'ı.
- Dene k'éh gūs'ānı gūtıe yédānehdıh.
- Dēsgūh dene negūdehı yédānehdıh k'ı.
- Dēsgūh dene nestedı dege gets'ı' nēhdıh. Kāgūjā dé gūdené' kégenet'édé negūtsedı gūlé dege.

PREAMBLE

We are the Kaska Dena and this is our written Constitution. This Constitution, known as Gūkēyeh Guk'éh Gūs'ānī K'ūgé', is binding upon our Kaska Dena National Government.

Our Kaska Dena Nation is comprised of the people of the Ts'íyōné' Dena and Mésgâ Dena clans. Our home is the Kaska Dena Kēyeh which is unsundered lands. We are of the Athabaskan people. We share a common history, language, culture, and traditional laws. We speak the dialects of the Kaska Dena language, which include the dialects of the: Héstah Gūdené', Tūchō Gūdené', and Tsēlōne Gūdané', among other groups.

Our Kaska Dena Nation has existed from time immemorial as has our inherent right to govern ourselves. This Constitution is an exercise of our fundamental right to self government and is protected under section 35 of the *Constitution Act* (Canada). We have never surrendered our rights and title to the Kaska Dena Kēyeh or our right to govern ourselves. We do not recognize the Canadian provincial or territorial borders that divide our Kaska Dena Nation.

We have a deep spiritual attachment to Kaska Dena Kēyeh which, together with our culture, language and ancient traditions makes us Kaska Dena. We govern ourselves accordingly.

Therefore, Kaska Dena Governance shall always:

- be guided by Dena Á' Nezen and by our Elders who shall be the teachers for the Kaska Dena leadership of tomorrow;
- be exercised in accordance with the principles of respect, fairness and openness with our citizenship, and leadership will be exercised with honour and integrity;
- be guided by the requirement to preserve our rights, title and interests throughout Kaska Dena Kēyeh;
- promote the involvement of all Kaska Dena, regardless of age, gender or status within the community, in the future development of our communities and our Kaska Dena Kēyeh as the pride and honour of our Kaska Dena Nation is sustained by the involvement of us all in the life of the Kaska Dena Nation;
- promote the sharing of wealth of Kaska Dena Kēyeh with all Kaska Dena;
- ensure the protection, preservation and sustainability of the air, lands, waters, plants and animals of Kaska Dena Kēyeh for future generations of Kaska Dena;
- respect and promote our traditional laws, principles, values, customs and practices;
- respect and promote our language and dialects; and
- promote investment in the spiritual, emotional, physical and mental welfare of us all as the well being of individuals and families is our strength.

DEFINITIONS

1. Definitions

Dena Á' Nezen means Kaska Dena Spiritual Law which encompasses the ancestral laws that have governed the Kaska Dena since time immemorial.

Gudedēje means the leader or Chief of the Kaska Dena National Government

Gūkēyeh Gūk'éh Gūs'ānī means “on our land we follow our ways”.

Kaska Dena Community means any of the following communities: Ech'ele Tūé (Dease River), Kón K'eh (Fireside), Tūchō (Frances Lake), Nêt'ih Tūé' (Liard [including Nêt'ih Tūé' gáh Kō (Upper Liard), Tets'īlūgé' (Watson Lake), Kededzā (Good Hope Lake), 2 Mile, 2/1/2 Mile, Daylu (Dālīyō', Lower Post), Kwadacha (Fort Ware), Manchō (Muncho Lake), Tū Łídlīnī Kóa Gús'ānī (Pelly Banks), Tū Łídlī (Rancheria), Tū Łídlīnī (Ross River including North Canol), Blind Creek, McDames and One Mile Point.

Kaska Dena Kēyeh means our traditional territory which is approximately 97,000 square miles of unsundered lands as set out in the map attached as Schedule 1.

Kaska First Nation means those Bands as defined under duly constituted governments created pursuant to the *Indian Act*, R.S.C. 1985, c. I-5 which include: Dease River Band Council; Kwadacha First Nation; Liard First Nation (including Daylu Dena Council); Daylu Dena Council; and Ross River Dena Council.

Kaska Dena law means traditional law but may also include laws adopted by a Kaska First Nation through procedures recognized by that First Nation.

Kaska Dena Nation means the people of the Tsíyōné' Dena (Wolf Clan) and Mésgâ Dena (Crow Clan) whose home is the Kaska Dena Kēyeh and who share the history, language, culture, and traditional laws.

God is called Denetīe, Danetīe, Danete'e, Medúgūdīht'ē, and Khutà'.

The members of the **Tsíyōné' Dena** (Wolf Clan), also known as the Ch'íyōné' Dena or Agahts'ané', include individuals whose mother is or was a member of the Tsíyōné' Dena (Wolf Clan).

The members of the **Mésgâ Dena** (Crow Clan), also known as Nésgâ Dena, Nógâ Dena, or Ts'ok'ā Dena, include individuals whose mother is or was a member of the Mésgâ Dena (Crow Clan).

CHAPTER 1 – FOUNDING PROVISIONS

1. Fundamental Values

- (1) We:
 - a. revere Tsúgūyā (Yāmadeyā, Madahyā, Nats’oodalh) who established the roles of the people on this land, placed us on it as stewards to care for Kaska Dena Kēyeh, and endowed each person in it with a unique spirit;
 - b. maintain and live the spirituality of our people;
 - c. honour the traditions of our ancestors;
 - d. live by the authority of Dena Á’ Nezen;
 - e. respect the dignity of each person;
 - f. sustain our deep spiritual attachment and relationship to the land Kaska Dena Kēyeh, and fulfill our unique responsibility to care for it;
 - g. ensure the protection, preservation, sustainability, and ecological integrity of the air, lands, waters, plants and animals of Kaska Dena Kēyeh for future generations of Kaska Dena;
 - h. protect the aboriginal rights and title claims to Kaska Dena Kēyeh;
 - i. commit to care for each other spiritually, physically, mentally, and emotionally in accordance with Dena Á’ Nezen; and
 - j. commit to fulfilling our individual responsibility to engage in the activities required of us to ensure good governance.

2. Kaska Dena Kēyeh

- (1) Kaska Dena Kēyeh is our traditional territory.
- (2) We have a deep spiritual attachment to Kaska Dena Kēyeh and all living things that make it home, as together with our culture, language and ancient traditions, these define what it means to be Kaska Dena.
- (3) Areas within Kaska Dena Kēyeh that are identified as Sacred Sites by the Kaska Dena National Elders Council may not be used in any manner or for any purpose inconsistent with Kaska Dena traditions, as determined by the Kaska Dena National Elders Council.
- (4) Areas within Kaska Dena Kēyeh that are or may be designated by the Kaska Dena National Elders Council, a Kaska First Nation or the Kaska Dena National Government as Specific Use Areas, including but not limited to conservation areas,

land marks, traditional use sites, critical habitat areas, harvesting areas, or development areas, may not be used in any manner inconsistent with these designations unless otherwise approved by the entity that designated the Specific Use Area.

3. Kaska Dena Gūchō' (Elders)

(1) Our Elders

- a. nurture the spirit of the Kaska Dena;
- b. guide us according to our traditional culture and history;
- c. advise the Kaska Dena National Council through the Kaska Dena National Elders Council;
- d. contribute to the unity of the Kaska Dena Nation; and
- e. promote the harmony of individuals and families within the Kaska Dena Nation.

4. Kaska Dena Language and Culture

- (1) The Kaska Dena National Government and each of its institutions shall honour the use of our language and the practice of our culture.
- (2) A person may use Kaska Dena or English when speaking at any meeting of
 - a. a Kaska Dena National Assembly;
 - b. the Kaska Dena National Council; or
 - c. the Kaska Dena National Elders Council.
- (3) The Kaska Dena National Council must provide interpretation between Kaska Dena and English at any meeting named in subsection (2) (a) - (c).

5. Kaska Dena Citizenship

- (1) A person is Kaska Dena by reason of birth into a Kaska Dena clan of his or her mother or by reason of adoption. Every person who is a member of a Kaska First Nation is entitled to be a Kaska Dena Citizen. Adoptions must be validated by a Kaska First Nation.

6. Kaska Dena Citizenship Rights

- (1) Every Kaska Dena Citizen has the right to have unimpeded access for his/her use and enjoyment of any part of the Kaska Dena Kēyeh to practice traditional

activities and exercise our communal Kaska Dena aboriginal rights, both historic and contemporary, including rights to acquire food and or shelter, and to take up residence on the Kaska Dena Kēyeh, subject only to Kaska Dena National Law or a Kaska First Nation Law.

- (2) Every Kaska Dena Citizen is encouraged and has the right to attend Kaska Dena National Assemblies and to make political choices, to participate in political activities, and to express a view on any public issue including the right to inspect proceedings and decisions of every Kaska Dena National Assembly.
- (3) Subject to any requirements set out in the applicable Kaska Dena National Law or Kaska First Nation Law
 - a. every Kaska Dena Citizen who is at least 21 years of age, is eligible
 - i. to hold office in the Kaska Dena National Council;
 - b. every Kaska Dena Citizen who is at least 16 years of age is eligible
 - i. to vote in Kaska Dena National Council elections or referendums, and
 - ii. to vote at Kaska Dena National Assemblies
 - c. every Kaska Dena Citizen who is at least 16 years of age, and not yet age 27, is eligible
 - i. to hold office in the Kaska Dena National Youth Council.

CHAPTER 2 – KASKA DENA NATIONAL INSTITUTIONS

7. Kaska Dena National Government

- (1) The Kaska Dena National Government is the central governing authority of the Kaska Dena Nation. It is primarily responsible for matters that may affect more than one Kaska First Nation, may be common to all Kaska First Nations, or may be of a national or international order, in so far as these responsibilities are delegated to it by Kaska First Nations.
- (2) Within Kaska Dena Kēyeh, governance is provided by the government of each Kaska First Nation, the Kaska Dena National Government, and traditional structures of governance through family, clan, and Dena Á' Nezen.
- (3) The Kaska Dena National Government consists of the following governing institutions
 - a. the Kaska Dena National Assembly;
 - b. the Kaska Dena National Council;
 - c. the Kaska Dena National Executive;
 - d. the Kaska Dena National Elders Council;

- e. the Kaska Dena National Gūdesdēje; and
- f. the Kaska Dena National Youth Council.

8. Responsibilities of Kaska Dena National Government

- (1) The Kaska Dena National Government may
 - a. exercise any responsibility that the governments of one, several or all of the Kaska First Nations may delegate to it from time to time;
 - b. deliver programs and services delegated to it by one, several or all of the Kaska First Nations;
 - c. regulate and resolve any matter concerning the exercise by Kaska Dena Citizens of their rights under this Constitution,; and
 - d. administer the Kaska Dena National Government and its institutions.
- (2) The Kaska Dena National Government will govern in such a way as to protect the Kaska Dena Kēyeh and all of our collective rights to it.

9. Delegation of Authorities

- (1) Where there is any inconsistency or conflict between a Kaska Dena National Law and a Kaska First Nation Law, the Kaska First Nation law shall prevail and the Kaska Dena National Law, to the extent of the inconsistency or conflict, is of no force or effect.
- (2) In respect of any matter that may be within the authority of both Kaska First Nation and the Kaska Dena National Government
 - a. each Kaska First Nation retains exclusive authority to enact laws for its First Nation and to administer and enforce those laws within its territory; and
 - b. the Kaska Dena National Government has exclusive authority to enact laws for the purpose of administering the Kaska Dena National Government.
- (3) Each Kaska First Nation shall provide timely written notice to the Kaska Dena National Council of the process that each Kaska First Nation will use to make any delegation of authority to the Kaska Dena National Government.
- (4) Any Kaska First Nation that wishes to amend its delegation process will provide reasonable notice to the Kaska Dena National Government prior to any amendment of the authorities delegated.
- (5) Where a Kaska First Nation has delegated authority to the Kaska Dena National Government to make laws with respect to a particular matter, any law of that First Nation with respect to that matter is of no force or effect so long as such delegation remains in effect.

- (6) The validity of a Decision of the Kaska Dena National Government or validity of Kaska Dena National Law executed by the Kaska Dena National Government may be challenged in accordance with Kaska Dena National Law.
- (7) The Kaska Dena National Council shall develop and approve a process for challenging the validity of a Decision or a Kaska Dena National Law.

10. Conflict Provisions

- (1) Where there is any inconsistency or conflict between this Constitution and any Kaska Dena National Law, the Kaska Dena National Law, to the extent of the inconsistency or conflict, is of no force or effect.
- (2) Subject to Section 9(5), where there is any inconsistency or conflict between this Constitution and any Kaska First Nation constitution or laws, this Constitution, to the extent of the inconsistency or conflict, is of no force or effect.

11. Kaska Dena National Assembly

- (1) The Kaska Dena National Assembly is an annual gathering of the Kaska Dena which normally occurs once a calendar year.
- (2) A Kaska Dena National Assembly may, by Resolution
 - a. give direction to;
 - b. approve policies of;
 - c. make recommendations to the Kaska Dena National Government; and
 - d. amend this Constitution, subject to the procedures for amendment set out herein.
- (3) If there is a death in a community just prior to or during a Kaska Dena National Assembly, the Kaska Dena National Assembly may be suspended for one-half day.
- (4) Any Kaska Dena National Assembly called in addition to the regularly scheduled annual Kaska Dena National Assembly and may be referred to as a Special National Assembly.
- (5) Rules of order for the conduct of the Kaska Dena National Assembly or Special National Assembly shall be determined by the Kaska Dena National Council at the commencement of each Assembly.
- (5). Quorum for any National Assembly or Special National Assembly shall be two thirds of the members of the Kaska Dena National Council in addition to at least five (5) members of each Kaska First Nation in attendance.
- (6) The Kaska Dena National Council shall be responsible to prepare the Rules described in subsection (5). Quorum for any National Assembly or Special National Assembly

shall be two thirds of the members of the Kaska Dena National Council in addition to at least five (5) members of each Kaska First Nation in attendance.

12. Kaska Dena National Council

- (1) The Kaska Dena National Council shall meet at least three times per year in addition to the Kaska Dena National Assembly.
- (2) The Kaska Dena National Council is comprised of
 - a. the Kaska Dena National Gūdesdēje;
 - b. every person who is a Chief or member of the Council of a Kaska First Nation;
 - c. two representatives of the Kaska Dena National Elders Council, one from each of the Mésǵâ Dena and Ts'íyōné' Dena Clans, selected by that Council from time to time;
 - d. two representatives of the Kaska Dena National Youth Council, one from each of the Mésǵâ Dena and Ts'íyōné' Dena Clans, selected by that Council from time to time;
 - e. two Kaska Dena men's Mésǵâ Dena and Ts'íyōné' Dena Clans elected by Kaska Dena men at the same time as the election for Kaska Dena National Gūdesdēje; and
 - f. two Kaska Dena women's representatives, one from each of the Mésǵâ Dena and Ts'íyōné' Dena Clans, elected by Kaska Dena women at the same time as the election for Kaska Dena National Gūdesdēje.
- (3) Every member of the Kaska Dena National Council must ordinarily be resident within Kaska Dena Kēyeh, or if elected, must take up residence and ordinarily reside within Kaska Dena Kēyeh within a reasonable period of time.
- (4) Every member of the Kaska Dena National Council must assume duties only after swearing or affirming the Kaska Dena National Oath of Office and Oath of Confidentiality which must take place no later than thirty (30) days after an election or selection, as the case may be, in accordance with Kaska Dena National Law.
- (5) All Elected Offices are considered vacated when the individual holding such an office
 - a. dies;
 - b. is removed from office as per Section 14;
 - c. forfeits office; or
 - d. provides a resignation in writing.

- (6) The Kaska Dena National Council will
- a. approve the administration of Kaska Dena National Laws, Kaska Dena National Assembly Resolutions and Kaska Dena National Government Decisions;
 - b. address Kaska Dena National Elders Council Resolutions and Decisions;
 - c. develop a Kaska Dena National Consultation Policy regarding resource developments;
 - d. oversee the administration of the Kaska Dena National Government, in accordance with Kaska Dena National Law including
 - i) rules of Conduct for elected and appointed officers of the Kaska Dena National Government;
 - ii) the implementation of Kaska Dena National Government programs and services;
 - iii) regular evaluations of Kaska Dena National Government programs, services and agreements, elected and appointed officials and employees, including the Kaska Dena National Gūdesdēje;
 - iv) policies and procedures regarding the terms and conditions of compensation, benefits and expense allowances for all elected and appointed officers of the Kaska Dena National Government and its institutions;
 - e. provide direction to the Kaska Dena National Executive with respect to the administration of Kaska Dena National Laws or any other responsibilities, power, authorities or functions;
 - f. request and approve periodic reports from the Kaska Dena National Executive, the Kaska Dena National Gūdesdēje, and other officers of the Kaska Dena National Government;
 - g. receive and approve budgets of the Kaska Dena National Government;
 - h. exercise any other right, power or privilege of the Kaska Dena Nation, in a manner consistent with this Constitution;
 - i. approve amendments to this Constitution, subject to ratification at a Kaska Dena National Assembly;
 - j. ratify agreements entered into on behalf of the Kaska Dena National Government with other governments or corporations, if delegated to do so by all Kaska First Nations. The Kaska Dena National Council will develop policies with respect to entering into and ratifying agreements;
 - k. appoint a chairperson for Kaska Dena National Assemblies in advance and make best efforts to ensure that a independent and neutral person is selected; and

- l. use it best efforts to ensure each Kaska Dena National Council member attends all Kaska Dena National Council meetings.

13. Kaska Dena Decision-Making by Kaska Dena National Council

- (1) All decisions of the Kaska Dena National Council are to be by consensus, if possible, or otherwise by a vote of a simple majority of the members present and voting.
- (2) Kaska Dena National Council Proceedings, Minutes and Decisions shall be recorded and maintained and, subject to the Kaska Dena Good Governance Act, Kaska Dena National Laws shall be made available for inspection by any Kaska Dena Citizen and other persons authorized by the Kaska Dena National Council.
- (3) Quorum for all Kaska Dena National Council meetings shall be two-thirds of the Kaska Dena National Council.
- (4) Subject to the provisions of this section, the Kaska Dena National Council may make Rules of the Council to govern its own proceedings, including its committees.
- (5) Decisions of the Kaska Dena National Council come into force when
 - a. the Decision has been introduced, considered and passed by consensus or in a vote in accordance with the Rules of the Council;and
 - b. the Decision has been signed by the Kaska Dena National Gūdesdēje.
- (6) The Kaska Dena National Gūdesdēje must sign all Decisions that have been passed by the Kaska Dena National Council in accordance with this section.

14. Duty to Remove from Office

- (1) The Kaska Dena National Council may remove from Council the Kaska Dena National Gūdesdēje, Kaska Dena Men's Representative or Kaska Dena Women's Representative by a Resolution supported by at least two-thirds of Kaska Dena National Council members at a duly convened meeting on one or more of the following grounds
 - (a) conviction of an indictable offence while serving in office;
 - (b) breach of the Kaska Dena National Government Oath of Office and Oath of Confidentiality;
- (2) The Kaska Dena National Council shall establish a Removal Appeal Process for such removal, the administration of which it will delegate to the Kaska Dena National Judicial Council.
- (3) Any other Kaska Dena National Council members, excluding the Kaska Dena National Gūdesdēje, Kaska Dena National Women's Representative or Kaska Dena

Men's Representative, may be removed from office only by their particular governing institution processes to which that member belongs, namely, the Kaska Dena National Elders Council, the Kaska Dena National Youth Council or any Kaska First Nation as the case may be.

Kaska Dena National Executive

- (1) The Kaska Dena National Executive is the executive body of the Kaska Dena National Government and will meet at least four times per year in addition to Kaska Dena National Assemblies.
- (2) The Kaska Dena National Executive consists of
 - a) the Kaska Dena National Gūdesdēje;
 - b) the Chief of each Kaska First Nation;
 - c) the two representatives of the Kaska Dena National Elders Council on the Kaska Dena National Council;
 - d) one of the representatives of the Kaska Dena National Youth Council on the Kaska Dena National Council;
 - e) one Kaska Dena Men's Representative; and
 - f) one Kaska Dena Women's Representative.
- (3) The Kaska Dena National Executive will
 - a) represent the Kaska Dena Nation in intergovernmental relations, subject to and in accordance with any direction from the Kaska Dena National Council;
 - b) exercise the authorities, responsibilities and functions assigned to it by
 - i) the Kaska Dena National Assembly,
 - ii) the Kaska Dena National Council, or
 - iii) by Kaska Dena National Law; and
 - iv) subject to Kaska Dena National Law, perform such administrative acts as may be necessary from time to time for the exercise of its responsibilities and functions.
- (4) The Kaska Dena National Executive must convene a Kaska Dena National Assembly once in each calendar year, and in any case, not more than 15 months following the adjournment of the previous Kaska Dena National Assembly. Notwithstanding this provision, the Kaska Dena National Executive
 - a) may call a Kaska Dena Special National Assembly at any other time to consider a matter of importance to the Kaska Dena Nation; and
 - b) must ensure that all Kaska First Nations, the Kaska Dena National Elders Council and the Kaska Dena National Youth Council are aware of timelines for submissions of issues to be put before a Kaska Dena National Assembly, in accordance with Kaska Dena National Law.

15. Meeting of the Kaska Dena National Executive

- (1) The Kaska Dena National Gūdesdēje, at a time and location he or she determines
 - a. must convene a meeting of the Kaska Dena National Executive at least four times per year; and
 - b. may convene a meeting at any other time he or she considers necessary;
- (2) The Kaska Dena National Executive shall be responsible for ensuring that prior to meetings of the Kaska Dena National Council, any member of the Kaska Dena National Council, the Kaska Dena National Elders Council or the Kaska Dena National Youth Council are canvassed at least seven days prior for agenda items.
- (3) A meeting of the Kaska Dena National Executive may be called to order, and may continue in session only if at least two-thirds (2/3) of its members are in Attendance.
- (4) Quorum shall be two-thirds (2/3) of the members of the Kaska Dena National Executive.
- (5) The Kaska Dena National Executive shall follow the Rules of Order of the Kaska Dena National Council except as may be amended by the Kaska Dena National Executive.
- (6) During a meeting of the Kaska Dena National Executive, the presiding members may conduct a vote on any matter, other than a motion to adjourn, only if there is Quorum.
- (7) Despite subsections (3) and (4), if, in a particular case, the Kaska Dena National Executive Rules of Order require more of its members to attend than required by this section, that higher requirement must be satisfied before the meeting can begin, or the vote taken, as the case may be.

16. Public Access to Kaska Dena National Law

- (1) The Kaska Dena National Executive must maintain a Kaska Dena National Law Registry of Kaska Dena National Laws in the English language and, at the discretion of the Executive, in the Kaska Dena language.
- (2) A copy of a Kaska Dena National law deposited at the Kaska Dena National Law Registry is conclusive evidence of the provisions of that Kaska Dena National Law.

17. Kaska Dena National Gūdesdēje

- (1) The Kaska Dena National Gūdesdēje will
 - a. preside at meetings of the Kaska Dena National Executive;

- b. preside at meetings of the Kaska Dena National Council;
 - c. oversee the administration and financial management of the Kaska Dena National Government in accordance with Kaska Dena National Law;
 - d. act as spokesperson for the Kaska Dena National Government;
 - e. lead delegations representing the Kaska Dena Nation if delegated by the Kaska First Nations, unless the Kaska Dena National Council or the Kaska Dena National Executive has assigned that responsibility to another person; and
 - f. carry out any other matter delegated by a Kaska Dena National Assembly, the Kaska Dena National Council, the Kaska Dena National Executive, the Kaska Dena National Elders' Council or a Kaska First Nation.
- (2) The Kaska Dena National Gūdesdēje must attend every session of a Kaska Dena National Assembly, unless unable to do so because of serious illness or death in his or her immediate family.
 - (3) The Kaska Dena National Gūdesdēje shall be elected by the Kaska Dena Citizens in accordance with the Kaska Dena National Election Code.

18. Deputy Kaska Dena National Gūdesdēje

- (1) The Kaska Dena National Executive will select a Deputy Kaska Dena National Gūdesdēje annually from among the Chiefs of the Kaska First Nations to serve a one year rotation in this position.
- (2) The Deputy Kaska Dena National Gūdesdēje must act in the capacity of the Kaska Dena National Gūdesdēje
 - a. whenever the Kaska Dena National Gūdesdēje is unable to carry out a function of that office; or
 - b. when a vacancy occurs in the position of Kaska Dena National Gūdesdēje and until an election is held to fill that vacancy.

19. Kaska Dena National Elders Council

- (1) Our Elders hold knowledge of our traditional ways and are responsible for bringing this wisdom to the decision-making tables in our governance structures.
- (2) The Kaska Dena National Elders' Council is an advisory body.
- (3) Each Kaska First Nation will establish its own Elders Council according to its own procedures.
- (4) Each Kaska First Nation Elders Council will select a Mésgâ Dena and Ts'íyōné' Dena Clan representative to sit for a four (4) year term on the Kaska Dena National

Elders Council, preferably one Elder between the ages of 50-64 and one Elder greater than age 65.

- (5) The Kaska Dena National Elders Council is composed of two Elders from each Kaska First Nation.
- (6) The Kaska Dena National Elders Council will
 - a) select two (2) Elders to serve on the Kaska Dena National Council, a Mésǵâ Dena and Ts'íyōné' Dena Clan representative;
 - b) mentor and guide the Kaska Dena National Youth Council;
 - c) advise the Kaska Dena National Council and the Kaska Dena National Executive on any matter referred to it including
 - i) amendments to this Constitution;
 - ii) language and culture;
 - iii) Kaska Dena Kēyeh;
 - iv) citizenship;
 - v) the relationship between the Kaska Dena National Government and Kaska First Nation governments; and
 - vi) relationships among Kaska First Nations.
- (7) If the Kaska Dena National Elders Council does not report in the time frame specified in any matters referred to them, and if the Kaska Dena National Elders Council has not requested an extension, referred matters may proceed without its response.
- (8) The Kaska Dena National Elders Council may direct the Kaska Dena National Council or the Kaska Dena National Executive to refer a matter to it for consideration.
- (9) Whether a matter is requested for referral by the Kaska Dena National Elders Council or referred by the Kaska Dena National Council or Kaska Dena National Executive, the Kaska Dena National Council will ensure that adequate resources are provided to the Kaska Dena National Elders Council and a specific and reasonable time frame is established for an informed response.

20. Kaska Dena National Youth Council

- (1) The Kaska Dena National Youth Council is tasked with consulting the Kaska Dena youth regarding any and all issues of concern the youth wish to have addressed at a national level.
- (2) The Kaska Dena National Youth Council is comprised of two youth selected for a four (4) year term by each Kaska First Nation youth council, according to its own procedures. The youth must be between the ages of 16 to 27 and ideally each youth council will select

- a. one youth of the Mésgâ Dena Clan; and
 - b. one youth of the Ts'íyōné' Dena Clan.
- (3) The Kaska Dena National Youth Council will
- a. consult with youth to identify issues of concern;
 - b. attempt to address identified issues on behalf of youth;
 - c. advocate on behalf of youth in all appropriate forums;
 - d. bring identified issues to the Kaska Dena National Council and the Kaska Dena National Executive;
 - e. bring issues from the Kaska Dena National Council and the Kaska Dena National Executive back to the youth for input and response, as appropriate; and
 - f. receive guidance from the Kaska Dena National Elders Council.

21. Kaska Dena National Women's Representatives

- (1) Two Kaska Dena National Women's Representatives, one from the Ts'íyōné' Dena Clan and one from the Mésgâ Dena Clan, shall be elected for a four (4) year term by Kaska Dena women at the same time as the election for Kaska Dena National Gūdesdēje .
- (2) Each Kaska Dena National Women's Representative will
- a. ensure that issues of concern to Kaska Dena women are addressed by the Kaska Dena National Government and bring those issues to the attention of the Kaska Dena National Council and the Kaska Dena National Assembly;
 - b. ensure that the perspectives of Kaska Dena women are represented in the deliberations of all Kaska Dena governing institutions;
 - c. work for greater respect for Kaska Dena women and the achievement of equality, as understood by the Kaska Dena; and
 - d. ensure that matrilineal lines are recognized by the Kaska Dena National Government and in Kaska Dena National Laws.

22. Kaska Dena National Men's Representatives

- (1) Two Kaska Dena National Men's Representatives, one from the Ts'íyōné' Dena Clan and one from the Mésgâ Dena Clan, shall be elected for a four (4) year term by the Kaska Dena men at the same time as the election for Kaska Dena National Gūdesdēje.
- (2) Each Kaska Dena National Men's Representative will

- a. ensure that issues of concern to Kaska Dena men are addressed by the Kaska Dena National Government and bring those issues to the attention of the Kaska Dena National Council and the Kaska Dena National Assembly;
- b. ensure that the perspectives of Kaska Dena men are represented in the deliberations of all Kaska Dena governing institutions;
- c. work for greater respect for Kaska Dena women and the achievement of equality, as understood by the Kaska Dena; and
- d. ensure that matrilineal lines are recognized by the Kaska Dena National Government and in Kaska Dena National Laws.

CHAPTER 3 – FINANCE

23. Principles of Financial Administration

- (1) Financial management and administration of the Kaska Dena National Government shall
 - a. be prudent, transparent, and accountable;
 - b. provide for effective and efficient use of the financial resources of the Kaska Dena Nation;
 - c. preserve and protect Kaska Dena National Assets; and
 - d. be duly accountable to the Kaska Dena Citizens.

24. Financial Duties of Kaska Dena National Council

- (1) The Kaska Dena National Council shall
 - a. develop laws and regulations consistent with this Constitution regarding financial management and accountability. The legislation shall be based on standards no less than those generally accepted for public governments in Canada, established for a system of financial administration, through which the Kaska Dena National Government will be financially accountable to Kaska Dena Citizens;
 - b. establish and maintain a Department of Finance;
 - c. appoint the auditor;
 - d. manage and control the receipt and expenditure of Kaska Dena National Government revenues;
 - e. approve agreements with federal, territorial and provincial governments, or any other parties for funding the Kaska Dena National Government, its departments, agencies or other Kaska Dena National Government entities;

- f. provide direction and authority to the Finance Committee to carry out its responsibilities;
- g. consider all recommendations and reports from the Finance Committee in making decisions that will affect the finances of the Kaska Dena National Government; and
- h. hold periodic meetings to report to Kaska Dena Citizens on the financial affairs and status of the Kaska Dena National Government.

25. Finance Committee

- (1) A Finance Committee shall be established in accordance with applicable Kaska Dena National Law relating to financial management.
- (2) The Finance Committee shall consist of one representative of each Kaska First Nation and a Chairperson appointed by the Kaska Dena National Council and mandated with the Finance Portfolio. Any finance or accounting professionals employed by the Kaska Dena National Government may be ex-officio members of the Finance Committee as required.
- (3) The Finance Committee shall act as the chief advisory body to the Kaska Dena National Council on all financial matters.
- (4) The Finance Committee shall, in accordance with applicable Kaska Dena National Laws
 - a. make recommendations to the Kaska Dena National Council on any matter addressed in this section, or in a Kaska Dena National law relating to financial matters;
 - b. propose and review accounting policies and practices;
 - c. propose and review budget policy and practices, including preparation, review and recommendations for approval of annual or other budgets;
 - d. propose and review management practice and systems;
 - e. recommend management and control of revenue, disbursements and assets of the Kaska Dena Nation;
 - f. provide advice on, and review the conduct of internal and external audits, including audits of all institutions and corporations or other entities owned by the Kaska Dena National Government;
 - g. develop and implement policies for financial accountability and reporting to Kaska Dena Citizens;
 - h. develop policies and procedures for Kaska Dena Citizens to access financial records, reports, budgets and Kaska Dena National Council Minutes regarding the financial management of the Kaska Dena National Government; and

- i. carry out any other matter referred to it by the Kaska Dena National Assembly, the Kaska Dena National Council or the Kaska Dena National Executive.
- (5) The Finance Committee Chairperson shall
- a. report and present the annual audit to the Kaska Dena National Assembly;
 - b. provide quarterly reports to the Kaska Dena National Executive on the financial position of the Kaska Dena National Government, including all institutions and corporations owned or controlled by the Kaska Dena National Government;

26. Control of Financial Administration

- (1) The Kaska Dena National Government or any of its institutions may spend money only in accordance with a budget that has been approved by the Kaska Dena National Council.
- (2) Subsequent Kaska Dena National Laws shall be enacted that prescribe for the Kaska Dena National Government
 - a. a common fiscal year;
 - b. the timing and form of budgets to be introduced; and
 - c. the process to be followed in preparing, coordinating, and approving budgets.
- (3) The Kaska Dena National Government shall not borrow money unless the borrowing is authorized by a Kaska Dena National Law.

27. Contracts

- (1) The Finance Committee may recommend to the Kaska Dena National Council such terms and conditions it considers necessary in order to enter into contracts, including the delegation of authority to a public officer.
- (2) The Finance Committee may recommend to the Kaska Dena National Council regulations that shall apply to contracts.
- (3) The Kaska Dena National Council has sole authority to enter into contracts for the Kaska Dena National Government unless such authority is delegated in writing to another public officer.

CHAPTER 4 – PROGRAMS AND SERVICES

28. Administration of Programs and Services

- (1) The public service of the Kaska Dena Nation shall be administered in accordance with the following values and principles

- a. Dena Á' Nezen;
 - b. respecting and promoting Kaska Dena culture, values, traditions and language;
 - c. a high standard of ethics;
 - d. efficient and effective use of resources;
 - e. impartial and equitable provision of services;
 - f. responsiveness to public needs; and
 - g. provision of timely, accessible, and accurate information.
- (2) The Kaska Dena National Executive may negotiate, if delegated by some or all of affected Kaska First Nations, with Canada, the Yukon, Northwest Territories, British Columbia or any other government entity to assume responsibilities for delivery of programs and services to Kaska Dena Citizens.

CHAPTER 5 – KASKA DENA NATIONAL JUDICIAL COUNCIL

30. Kaska Dena National Judicial Council

- (1) The Kaska Dena National Council shall establish and implement a national judicial body to be called the Kaska Dena National Judicial Council, which functions and purposes shall include but not be limited to:
- a. adjudicate any cases of alleged violations of Kaska Dena National Laws and impose such sentences as are provided by law to ensure compliance;
 - b. determine the validity of a Kaska Dena National Law or a regulation or orders or decisions made or adopted by the Kaska Dena National Government which have been challenged;
 - c. where parties agree, mediate or arbitrate any disputes in relation to Kaska Dena Citizens and the Kaska Dena National Government;
 - d. appoint an investigative committee to review any financial irregularities of the Kaska Dena National Government;
 - e. review appeals regarding removal from office of a Nationally elected official.
- (2) The Kaska Dena National Council shall be responsible for selecting the members and determining the criteria and composition of the Kaska Dena National Judicial Council, subject to subsection (3).

- (3) The Kaska Dena National Judicial Council shall have at least one member who has a law degree from a recognized university in Canada.
- (4) The Kaska Dena National Judicial Council may establish a Tribunal to conduct investigations of any matter referred to it by the Kaska Dena National Council.

CHAPTER 6 – AMENDMENT OF THE CONSTITUTION

31. Constitutional Amendment

- (1) Subject to subsections (2) and (3), this Constitution may only be amended following the procedure set out herein in accordance with Kaska Dena National Law.
 - a. Step 1 - The Kaska Dena National Executive or any Kaska First Nation may propose an amendment by introducing a Constitutional Amendment Resolution, which must include the specific addition, deletion or replacement of a whole section, subsection or any part thereof.
 - b. Step 2 – The Kaska Dena National Council will consider the Resolution in principle, and vote whether to reject the amendment, or proceed to consider it in detail.
 - c. Step 3 – If the Kaska Dena National Council votes by simple majority to consider an amendment in detail, it shall appoint a committee to carry out the review..
 - d. Step 4 – Prior to detailed consideration, the amendment will be made available for public review in each Kaska First Nation and the Kaska Dena National Elders Council, and any Kaska Dena Citizen and the Kaska Dena National Elders Council shall have 60 days to make written submissions raising concerns or comments.
 - e. Step 5 - After receiving the comments from Step 4, the Kaska Dena National Council will consider the amendment in detail, and may revise it based on consultation results.
 - f. Step 6 – If the Kaska Dena National Council votes by consensus or by a majority of at least two-thirds (2/3) to approve an amendment when it is called for a final vote, the amendment must be introduced before a Kaska Dena National Assembly called for that purpose with 60 days notice provided to Kaska Dena Citizens, and it passes if it is supported by at least three-quarters (3/4) of the Kaska Dena Citizens who are present and vote by ballot at the Kaska Dena National Assembly.
- (2) Notwithstanding subsection (1), the Kaska Dena National Executive must convene a Constitutional Review and a specific Constitutional Review National Assembly within 5 years after the coming into force of this Constitution..
- (3) Notwithstanding subsection (1), the Kaska Dena National Executive, by Resolution signed by the Kaska Dena National Gūdesdēje, may amend this Constitution by:

- a. changing the name of a Kaska First Nation to a new name adopted by the government of that Kaska First Nation; or
- b. replacing any title of an office, committee or other entity within the Kaska Dena National Government with a new title in either Dena K'éh or English.

CHAPTER 7 – LAW MAKING

32. Law Making Process

- (1) The Kaska Dena National Assembly, any Kaska First Nation, or the Kaska Dena National Council may propose new legislation, legislative amendments and the repeal of existing legislation for consideration by the Kaska Dena National Council by completing the required forms and submitting them to the Kaska Dena National Executive.
- (2) Upon receipt of the required forms the Kaska Dena National Executive shall
 - a. refer the proposal to the Law Drafting Committee for review, clarification and drafting in terms consistent with the proposal; and
 - b. review the proposal and refer to the Kaska Dena National Council for consideration.
- (3) The Kaska Dena National Council shall
 - a. consider all proposals for legislation submitted to it in a timely way;
 - b. may refer the proposal to the Kaska Dena National Elders' Council and/or the Kaska Dena National Youth Council for advice and comments to be provided within 60 days;
 - c. shall by resolution recommend the approval, approval with amendments or the rejection of the proposal for legislation.
- (4) The Kaska Dena National Council shall seek consensus on any recommendation with respect to a proposal for legislation such that:
 - a. if consensus cannot be reached then the proposal shall be recommended upon a simple majority of Council members voting "yes" at a duly convened meeting of the Council;
 - b. in the event of a "no" vote or a tie-vote, the proposal is rejected.
- (5) The Kaska Dena National Executive shall prepare a report of and refer the proposal, if recommended, to each Kaska First Nation which in turn will review and vote on the proposal in accordance with their own particular procedures.
- (6) Each Kaska First Nation shall either approve or reject the proposal for legislation and a record of that decision shall be submitted to the Kaska Dena National Council within 60 days.

- (7) Upon receipt of the record of decision with respect to the proposal for legislation of each of the Kaska First Nations
 - a. if all Kaska First Nations have approved the proposal the Kaska Dena National Council must adopt the proposal;
 - b. if a majority of the Kaska First Nations have rejected the proposal the Kaska Dena National Council must reject the proposal; and
 - c. if a minority of the Kaska First Nations have rejected the proposal, or an equal number of First Nations approve as reject the proposal, the proposal shall be referred to a joint session of the Kaska Dena National Council and the Kaska Dena National Elders Council for reconsideration with the assistance of the Kaska Dena National Judicial Council if requested.
- (8) At a joint session held to reconsider the proposal for legislation
 - a. the members of the Kaska Dena National Council and the Kaska Dena National Elders Council shall seek consensus on whether to adopt, amend or reject the proposal;
 - b. if consensus can not be reached the legislation is adopted if supported by at least 75% of the members present and voting.
- (9) Legislation adopted by the Kaska Dena National Council comes into force and becomes a Kaska Dena National Law when signed by the members of the Kaska Dena National Executive.
- (10) The Kaska Dena National Executive must sign adopted legislation in a timely way.
- (11) Once signed, the Kaska Dena National Council shall take the steps and give the directions to the Kaska Dena National Executive to implement such legislation and will give notice to all Kaska First Nations that such legislation is in effect.

CHAPTER 8 – RATIFICATION

33. Ratification and Coming into Force of this Constitution

- (1) The Kaska Tribal Council shall provide sixty (60) days public notice of a Special National Assembly which purpose will be to consider and vote on this Constitution and any related Acts or Laws.
- (2) This Constitution comes into force if a simple majority of Kaska Dena Citizens who are present at the Special National Assembly vote “yes” by ballot.

CHAPTER 9 – TRANSITION

34. Transition

- (1) Upon the ratification and coming into force of the Constitution by the process described herein, the Kaska Dena National Government is hereby recognized as the successor to the Kaska Tribal Council, and all rights, responsibilities, assets and obligations of the Kaska Tribal Council shall be assumed by the Kaska Dena National Government.

SCHEDULE 1 – KASKA DENA KĒYEH

MAP of traditional territory.

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