

Draft #9

November 19, 2013

Délīnę First Nation Constitution (Délīnę Got'īnę ʔeʔadó)

Preamble

We are the *Sahtuto'ine*, known as the Bear Lake People. We are the descendants of the prophet *Eht'se Ayah*. We have lived on our land since time immemorial, long before the arrival of Europeans. For all this time our land has been called Délīnę and we have been called the *Sahtuto'ine*.

Great Bear Lake and our traditional territories have sustained us physically, culturally, and spiritually for thousands of years. We are part of the land and it is part of us; we fish, hunt and trap, just as our forebears did. We depend on the fish and the caribou and other wildlife.

Our history and knowledge exists in the stories of the places and routes where our people have lived and travelled since time immemorial, where we continue to live and travel.

The Creator has given us responsibility to care for and live in harmony with the lands, waters, animals, and all life that is here, which is the basis of our language, culture and traditions, and which gives us life.

We respect the wisdom of our ancestors, their knowledge and teachings.

We respect the Dene Laws.

The Creator sent *Yamoria* to bring peace and life by giving people and animals' laws to live by.

We respect the wisdom of our elders. They hold experience and knowledge of the lands, animals, waters, and our *Sahtuto'ine* language and culture.

We respect the wisdom and teachings of *Eht'se Ayah*, the Prophet. He told of our future as *Sahtuto'ine*. He told of our continuing responsibility for the lands, waters, and animals necessary to our existence. He told of the importance of our language, culture, and spirituality as the source of our strength.

We recognize the importance of all *Sahtuto'ine* working together: women and men, elders, adults and youth. We maintain our customs, our traditions and our laws. Our traditional knowledge is passed down from elders to the younger generations. We respect and acknowledge our elders. The younger generations carry our hopes for the future of our people.

Our language is strong. We speak the language of the people of the Bear Lake, sometimes called North Slavey.

It is our responsibility to love, respect and protect our traditional lands and the places and life within, according to the teachings of our elders for the benefit of future generations of *Sahtuto'ine*.

Treaty 11, signed in 1921 by our ancestors, recognizes our relationship of peace and

coexistence with Canada. It recognizes us as the original people of our traditional territories.

The *Sahtu Dene and Métis Comprehensive Land Claim Agreement* signed in 1993 recognizes our relationship with Canada. It describes rights we have as the original people in our traditional territories.

The *Sahtuto'ine* maintain our rights and responsibilities as given to us by the Creator, including our right of self-government.

The *Sahtuto'ine* seek to govern as one people under one institution, the Délne Got'ine Government.

The *Sahtuto'ine* have therefore negotiated the Délne Self-Government agreement with Canada and the Government of the Northwest Territories to establish a unified aboriginal public government at the community level.

The Délne Got'ine Government is responsible for decision making that is rooted in the history, culture and ways of *Sahtuto'ine*.

The Délne Got'ine Government is based on openness and the participation of all *Sahtuto'ine*.

The Délne Got'ine Government will protect the rights, interests, language, culture, traditions, heritage and traditional economy and the responsibilities to the land, of the *Sahtuto'ine*.

The Délne Got'ine Government will recognize and collaborate with other Aboriginal peoples, our non-Aboriginal residents and neighbours and governments.

1. Definitions

1.1 The terms used in this Délne Got'ine ʔeʔadó have the same meaning as in the Final Self-Government Agreement.

2. Status of the Délne Got'ine ʔeʔadó

2.1 The laws of the Délne Got'ine Government shall be consistent with this Délne Got'ine ʔeʔadó and with the Final Self-Government Agreement.

2.2 This Délne Got'ine ʔeʔadó and the laws and decisions of the Délne Got'ine Government are subject to the Canadian Charter of Rights and Freedoms.

2.3. If there is any conflict between this Délne Got'ine ʔeʔadó and the provisions of the Final Self-Government Agreement, the provisions of the Final Self-Government Agreement will prevail to the extent of the conflict.

3. Délne Got'ine Government

3.1 The Délne First Nation with Canada and the GNWT has negotiated the Final Self-Government Agreement to establish a unified aboriginal public government and has chosen to act through the Délne Got'ine Government to exercise its capacity, rights, powers and privileges and to carry its duties, functions and obligations.

3.2 The Délne Got'ine Government represents the interests of all: men, women, elders and youth. It must respect our Dene culture, language, heritage, traditions and ways and inherent rights and the responsibilities of Délne First Nation citizens to lands, waters, language, heritage, traditions, economy and way of life.

3.3 Déljné Got'jné Government must strive to understand and respect the wisdom of the elders and of the Prophet Ayah.

3.4 The Déljné Got'jné Government must represent, protect and promote the interests of all residents of the Déljné District.

3.5 The members of the Déljné Got'jné Government who are participants under the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* will, in good faith and with due diligence, manage the lands and assets, and exercise the powers and responsibilities of the Deline participants under the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* for the sole benefit of all Déljné participants and future generations to come.

3.6 The Déljné Got'jné Government is composed of the following:

- a) The ʔekw'ahtjédé;
- b) The Déljné K'owadó Kə;
- c) The Déljné ʔqhda K'owə Kə;
- d) The Déljné K'a Dats'eredi Kə;
- e) Other institutions which may be established by the Déljné Got'jné Government.

4. The ʔekw'ahtjédé

4.1 The ʔekw'ahtjédé is the leader of the Déljné Got'jné Government and shall be elected by Déljné First Nation citizens for a term not exceeding four years.

4.2 The ʔekw'ahtjédé will understand, respect and practice our Dene culture, heritage, language and traditions and follow the wisdom of our elders and our ancestors.

4.3 The ʔekw'ahtjédé represents, protects and promotes the interests of our people, and speaks with one voice for all *Sahtuto'tine*.

4.4 The ʔekw'ahtjédé must:

- a) be a DFN Citizen;
- b) be a resident of Déljné, in accordance with a residency requirement as set out in Déljné Got'jné Government law; and
- c) meet a minimum age requirement as set out in Déljné Got'jné Government law.

5. The Déljné K'owadó Kə

5.1 The Déljné K'owadó Kə shall consist of eight to twelve voting members, including:

- a) The ʔekw'ahtjédé, who shall chair the meetings of the Déljné K'owadó Kə;
- b) An ʔqhda Representative appointed by the Déljné ʔqhda K'owə Kə; and
- c) members at large elected by eligible residents of the Déljné District for a term not exceeding four years.

5.2 The Déljné K'owadó Kə shall adopt an elections law including provisions for the size of the Déljné K'owadó Kə, procedures for elections, including appeal procedures and election of the Land Claim Participants Advisory Council.

5.3 Deline Got'jné Government law may require that up to 75% of members of the Déljné K'owadó Kə, including the ʔekw'ahtjédé and the ʔqhda Representative, be DFN Citizens.

5.4 The Déljné K'owadó Kə shall be the legislative body of the Déljné Got'jné Government with responsibility to exercise the jurisdictions and authorities set out in the Déljné Got'jné ʔeʔadó and the Déljné Final Self-Government Agreement.

5.5 Subject to this Déljné Got'jné ʔeʔadó and the Final Self-Government Agreement, the Déljné K'owadó Kə may take all such actions as are required to carry out its responsibilities.

5.6 The Déljné K'owadó Kə may discuss, debate and enact laws in relation to all matters for which the Déljné Got'jné Government has authority pursuant to the Déljné Final Self-Government Agreement and in accordance with this Déljné Got'jné ʔeʔadó.

5.7 The Déljné K'owadó Kə shall strive to reach its decisions by consensus and through broad participation and consultation. When consensus cannot be achieved decisions may be made by a majority vote of those present subject to the requirements in Déljné Got'jné Government law.

5.8 A member of the Déljné K'owadó Kə shall not participate in the discussion or voting on any question on which he or she has a conflict of interest.

5.9 At least once per year, the Déljné K'owadó Kə shall report in writing on its activities and those of its institutions.

6. The Déljné ʔqhda K'áowə Kə

6.1 The Déljné ʔqhda K'áowə Kə shall be composed of all Déljné First Nation elders.

6.2 The Déljné ʔqhda K'áowə Kə may provide advice on any matter to the Déljné K'owadó Kə and its institutions.

6.3 Following each election of the Déljné K'owadó Kə, the Déljné ʔqhda K'áowə Kə shall appoint from among its members an Elders Representative to serve on the Déljné K'owadó Kə for the term of the Déljné K'owadó Kə .

7. The Déljné K'a Dats'eredi Kə

7.1 The Déljné K'a Dats'eredi Kə shall be composed of three to five members appointed by the Déljné K'owadó Kə for a term not to exceed four years.

7.2 Members of the Déljné K'a Dats'eredi Kə shall exercise their judicial functions independently from the other branches of the Déljné Got'jné Government and may only be removed on grounds of incapacity, conviction of an offence under the Criminal Code or judicial misconduct.

7.3 The Déljné K'a Dats'eredi Kə shall be responsible for:

- a) The administration of sanctions for violations of Déljné Got'jné Government laws;
- b) the administration of alternative dispute measures programs and extra-judicial programs;
- c) the performance of dispute resolution functions;
- d) the hearing of appeals or re-hearings in relation to administrative decisions of the Déljné Got'jné Government and institutions made pursuant to Déljné Got'jné Government laws; and
- e) such other duties and functions assigned to it under Déljné Got'jné Government laws; as authorized by the Final Self-Government Agreement.

7.4 Members of the Déljné K'a Dats'eredi Kə are expected to have knowledge and understanding of Dene laws and traditions.

8. Beneficiaries Board

8.1 A Beneficiaries Board shall be composed of three to five members elected by adult resident and non-resident participants under the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* who are DFN citizens or entitled to be DFN citizens.

8.2 The ʔekw'ahtjǰé and the Déljné K'owədó Kə shall work with and receive advice from the Beneficiaries Board on all matters relating to the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, including the management of lands and other assets as provided in the Final Self-Government Agreement.

9. Łénats'ehdá Dzené

9.1 All Déljné First Nation citizens have the right to attend the Déljné Łénats'ehdá Dzené, and may speak, to ask questions and make recommendations to the Déljné Got'jné Government.

9.2 All residents of the Déljné District may also attend the Déljné Łénats'ehdá Dzené and participate in its deliberations.

9.3 At least once every calendar year, the Déljné Got'jné Government shall report to the Déljné Łénats'ehdá Dzené and to all residents of the Déljné District on all financial, administrative and operational matters of the Déljné Got'jné Government and of its institutions and shall outline the financial, administrative and operational plans of the Déljné Got'jné Government.

9.4 The audited financial statements of the Déljné Got'jné Government and its institutions

shall be tabled at the annual meeting of the Déljné Łénats'ehdá Dzené.

9.5 The Déljné Got'jné Government shall also provide a written report to Déljné participants at the annual meeting of the Déljné Łénats'ehdá Dzené on the management and administration of assets, lands and responsibilities under the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*.

10. Citizenship

10.1 The Déljné Got'jné Government shall pass laws which establish criteria and procedures for being a Déljné First Nation citizen.

10.2.1 Persons who were, on the Effective Date of the Final Self-Government Agreement, members of the Déljné Land Corporation and of the Déljné First Nation Band, or who were entitled to be members, have the right to be Déljné First Nation citizens.

10.2.2 Notwithstanding 10.2.1, a person (1) who has citizenship under another aboriginal self-government agreement or (2) who is on an *Indian Act* band list other than the Deline First Nation band list, is not entitled to be a DFN Citizen.

10.3 Déljné First Nation citizens have the right to be consulted by and to participate in the Déljné Got'jné Government as provided in Déljné Got'jné Government laws

10.4 Déljné First Nation citizens have the right to good government that is accountable to all and that acts with openness and with integrity and is responsive to the needs of the community.

10.5 Déljné First Nation citizens have responsibilities to our public government, to each other, to our neighbours and our community, to

our traditions and heritage and to our environment.

10.6 Déljné First Nation citizens must work together with the Déljné Got'jné Government, to seek consensus and harmony, and to participate in ensuring effective, accountable and good government for all.

10.7 Déljné First Nation citizens must help one another and respect one another. We must work toward the good of the community. We must respect our leaders and the elders and support our youth. We must learn, maintain and speak our language. We must learn, maintain and follow our traditions. We must speak with openness and build our sense of community. We must help one another provide for our needs and share with one another in our bounty.

10.8 Déljné First Nation citizens must respect and live in harmony with our environment: the lands, waters, animals and plant life. We must ensure that these resources are preserved for future generations, to depend upon and to sustain our traditions in the way we have and our ancestors have since time immemorial.

11. Official Languages

11.1 The official languages of the Déljné Got'jné Government are North Slavey and English. All persons have the right to communicate with and receive available services from the Déljné Got'jné Government and its institutions in either North Slavey or English.

12. Accountability

12.1 The Déljné Got'jné Government, its institutions, officials and representatives have been entrusted to carry out our right of self-governance and are accountable to the Déljné First Nation citizens and to residents of the Déljné District.

12.2 Déljné Got'jné Government shall present an annual report to the Déljné Łénats'ehdá Dzené as set out in this Déljné Got'jné ƳeƳadó.

12.3 The Déljné Got'jné Government is accountable to all participants in relation to all matters arising from the management and administration of the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* and will report thereon to the Déljné Łénats'ehdá Dzené.

12.4 The Déljné Got'jné Government, its institutions, officials and representatives shall exercise all powers and authorities in a manner consistent with this Déljné Got'jné ƳeƳadó and Déljné Got'jné Government laws and shall:

- a) act with respect and fairness and without discrimination or abuse;
- b) strive to consult with and to seek consensus of all Déljné Citizens, particularly in relation to important community decisions;
- c) allow for and encourage the full and free expression and participation of all Déljné citizens; and
- d) protect our lands, waters and resources, including the protection and enhancement of all living things.
- e) give priority to teaching and educating Déljné citizens and to capacity building in the community of Déljné.

13. Amendment of Déliné Got'Iné ʔeʔadó

13.1 Notice, including a written explanation of the amendment, must be given to all DFN citizens of any proposed amendment to this Déliné Got'Iné ʔeʔadó at least 90 days prior to a secret ballot vote to approve or reject such an amendment.

13.2 Amendment to this Déliné Got'Iné ʔeʔadó must be approved by a secret ballot vote of at least 60% of adult DFN citizens who vote provided that at least 25% of all adult DFN citizens participate in such a vote.

14. Amendment of Final Self-Government Agreement

14.1 Notice, including a written explanation of the amendment, must be given to all DFN citizens

of any proposed amendment to the Final Self-Government Agreement at least 90 days prior to the secret ballot vote to approve or reject such amendment under s. 14.2

14.2 Subject to 14.3, any proposed amendment to the Final Self-Government Agreement must be approved by a secret ballot vote of at least 60% of the adult DFN citizens who vote provided that at least 25% of all adult DFN citizens participate in such a vote.

14.3 Where the Déliné K'owadó Kə determines that an amendment to the Final Self-Government Agreement is a minor amendment, such amendment may be approved by decision of the Déliné K'owadó Kə, provided that such amendment has previously been reported to a meeting of the Déliné Łénats'ehdā Dzené which has agreed that such minor amendment can be considered and approved by the Déliné K'owadó Kə rather than by a secret ballot vote under 14.2.

NOTE: Pursuant to the Final Self-Government Agreement, on or before the date of the ratification vote for the Final Self-Government Agreement the Déliné Got'Iné ʔeʔadó is to be approved by the members of the Déliné First Nation Band and of the Déliné Land Corporation.