

Resolution of the Dene Nation Assembly

Resolution #3

Re: Constitutional Reform - Assemblies

Whereas the Dene National Chief was elected on a mandate to reform the Constitution and By-laws of the Dene Nation; and

Whereas the Dene National Chief appointed a Constitutional Reform Commission (CRC), which includes both a Chiefs Working Group and a technical group; and

Whereas the CRC conducted consultations with Dene leaders and communities while developing an amended Constitution and By-law for the Dene Nation; and

Whereas the provisions of the proposed amended Constitution and By-laws represent a better and more accurate description of the mandate, objectives and structure of the Dene Nation,

THEREFORE BE IT RESOLVED THAT:

1. The following provisions of the existing Constitution and By-law are hereby repealed:

2.0 THE DENE NATIONAL ASSEMBLY

Meetings

- 2.1 The Dene Nation shall have Annual or Special meetings whereby Dene Citizens from the Dene Territories and the Dene Communities meet to hold discussions, have consultations, and make resolutions.
- 2.2 The Annual meeting of the Dene Nation shall be held each year at a time and place to be fixed by the Executive under the direction of the Leadership.
- 2.3 The National Assembly shall establish fair, consistent, and clear policies for the direction of the Dene Nation.
- 2.4 All Dene Citizens are entitled to participate in the National Assembly and to voice their opinions on any issue under discussion, but voting privileges are reserved for Voting Delegates.
- 2.5 Decisions of the National Assembly shall be determined by consensus, failing which a vote shall be taken in the manner prescribed in these By – Laws.

- 2.6 Special National Assembly meetings may be called:
(a) by consensus or resolution of the National Assembly;
(b) by consensus of the Leadership; or
© by resolution of the Leadership passed by at least two-thirds (66%)
of the Leadership present or represented by Proxy at a meeting of the Leadership.
- 2.7 The National Assembly may strike committees to inquire into any matter of interest to the National Assembly or to carry out functions designated by the National Assembly on such terms as may be established by the National Assembly.
- 2.8 Except as otherwise provided herein, an Annual or Special meeting of the National Assembly shall be held on such day, at such time, and at such place as the Leadership may direct, provided that no such meeting shall occur without giving at least sixty (60) days' notice of the location, date and time of such meetings and a draft Agenda to all Dene Territories and Dene Communities.
- 2.9 Notice of meetings of the National Assembly shall be sufficient if delivered in writing to the members of the Leadership for posting in each Dene Community.
- 2.10 Two-Thirds (2/3) of the voting delegates either personally present or represented by proxy shall constitute a quorum for any Annual or Special meeting of the National Assembly.

Voting

- 2.11 Each Dene Community is entitled to be represented at a National Assembly by delegates ("Voting Delegates") who are entitled to one vote each. The number of Voting Delegates shall be determined as follows:

Chiefs: ~~Sub-Chief~~

- a. The Chief of every Dene Community is a voting delegate;

Dene Communities:

- (b) Each Dene Community shall have three (3) additional voting delegates;
- (c) Where a Dene Community has more than one hundred (100) Dene Citizens, they shall have one additional voting delegate for every additional fifty-one (51) to one hundred (100) Dene Citizens in that community.

(d) For the purpose of determining the number of eligible Voting Delegates for each Dene Community at meetings of the National Assembly, each Dene Community shall disclose its total number of Dene Citizens to the Dene Nation Executive, in such manner and at such times as the Dene Nation Executive may require.

Members of the Executive:

(e) Each member of the Dene Nation Executive shall be entitled to one vote at meetings of the National Assembly.

2.11 (a) For Dene Territories in which a Government has been established under the terms of a Comprehensive Land Claim or Self-Government Agreement:

Each Dene Territory is entitled to be represented at a National Assembly by Voting Delegates who are entitled to one vote each. The number of Voting Delegates shall be determined as follows:

Chiefs:

- (a) The Grand Chief of every Dene Territory is a Voting Delegate; and
- (b) The Chief of every Dene Community is a Voting Delegate.

Dene Territories:

- (a) Each Dene Territory shall have three (3) additional Voting Delegates for each Dene Community that it is made up of;
- (b) Where a Dene Community has more than One Hundred (100) Dene Citizens, the Dene Territory shall have one additional Voting Delegate for every additional fifty-One (51) to One Hundred (100) Dene Citizens in that community;
- (c) For the purpose of determining the number of eligible Voting Delegates for Each Dene Territory at meetings of the National Assembly, each Dene Community shall disclose its total number of Dene Citizens to the Dene Nation Executive, in such manner and at such times as the Dene Nation Executive may require.

2.12 Subject to 2.12(a), the selection of the voting delegates shall be determined by each Dene Community in its absolute discretion.

- 2.12(a) For Dene Territories in which a Government has been established under the terms of a Comprehensive Land Claim or Self-Government Agreement, the selection of Voting Delegates shall be determined by each Dene Territory in its absolute discretion. For greater clarity, the Dene Territory may apportion the permitted delegates among the Dene Communities in its Territory as it sees fit.
- 2.13 A Dene Citizen who is entitled to vote at an Assembly, and who is not able to be personally present at the Assembly (an “Absent Voter”), is entitled to have his or her vote cast by another Dene Citizen, by Proxy.
- 2.14 A Proxy shall be authorized to vote on behalf of an Absent Voter by his or her Dene Territory or Dene Community, as the case may be.
- 2.15 No Voting Delegate and no member of the Executive shall be Proxy for more than one Absent Voter.
- 2.16 A resolution is passed when consensus is reached or, failing which, a majority of not less than two-thirds (66%) of the Voting Delegates who are present in person or by proxy, at a meeting, vote in favor of the resolution.
- 2.17 A Special Resolution to amend the Constitution or the By – Laws of the Dene Nation is passed when a majority of not less than three-quarters (75%) of the Voting Delegates who are present in person or by proxy at a meeting of the National Assembly vote in favor of the resolution.
- 2.18 Unless a show of hands or a ballot and a poll thereon is demanded by at least one (1) Voting Delegate, the Chairperson may declare a resolution to have been passed or defeated.
- 2.19 A declaration by the Chairperson that a resolution is passed, carried unanimously, or by a particular majority or less, followed by an entry to that effect in the Minute Book of the Dene Nation, shall be conclusive proof of that fact without recording the number or proportion of the votes cast for and against a resolution.
- 2.20 In the case of an equality of votes cast for and against a resolution, the Chairperson shall:
- (a) call for amendments to the resolutions and, if amendments are seconded, hold another vote; or
 - (b) declare that a second vote will take place at a fixed place, date and hour during the meeting; and failing the passage of such amended resolution(s) or a decision by second vote, shall:
 - (c) direct the Dene Nation Elders Council to evaluate the issues raised by the resolution and to prepare an oral or written report to be presented at the next meeting of the National Assembly.
- 2.21 A Voting Delegate who is in attendance at a meeting of the National Assembly, may, while the meeting is in session, appeal a ruling of the Chairperson to the members of the Leadership present at the meeting, who shall decide the ruling by vote among them. The decision of the Leadership is absolutely final and conclusive.

2. In place of the repealed provisions, the following provisions of the proposed new Constitution are hereby approved:

4.0 THE DENE NATIONAL ASSEMBLY

4.1 The highest decision making body for the Dene Nation is the Dene National Assembly. All resolutions of the National Assembly are binding on the Dene Nation, including the Dene National Chief and Executive.

4.2 The Dene Nation shall have an annual National Assembly and may as required have a Special National Assembly, whereby Dene Citizens, Dene Communities and the Leadership meet to hold discussions, have consultations, and make resolutions. The National Assembly may be conducted in person or by alternate method such as by electronic or other means. The Executive shall approve the date, time, rules and method of holding a National Assembly when the Assembly is held by electronic or other alternative means.

4.3 Subject to the rules of the National Assembly, all Dene Citizens who identify themselves as members of a Dene Community are entitled to participate in any National Assembly and to voice their opinions on any issue under discussion, but the rights to move and vote on resolutions are reserved for Voting Delegates representing Dene Communities.

3. And the following provisions of the proposed new Organizational By-law are hereby approved:

3.0 ASSEMBLIES

3.1 The Annual National Assembly of the Dene Nation shall be held each year at a time and place to be fixed by resolution of the previous Annual Assembly, or by the Executive if the previous Assembly did not decide. The Annual Assembly may be held in person or by electronic means.

3.2 No Assembly shall occur without giving at least thirty (30) days' notice of the time and place of the meeting and a proposed Agenda to all Dene Territories and Dene Communities.

- 3.3 Notice of meetings shall be sent by the CEO and shall include draft resolutions to be considered at the Assembly, and notice shall be sufficient if delivered in writing or by email or other electronic means to the administrations of each Member Territory and each Dene Community. Draft resolutions must include a mover and seconder who will be Voting Delegates at the Assembly.
- 3.4 Special National Assemblies may be called by resolution of the National Assembly or by resolution of the Executive or Leadership.
- 3.5 Any Assembly may strike committees to inquire into any matter of interest to the Assembly or to carry out functions designated by the Assembly on such terms as may be established by the Assembly.
- 3.6 In addition to any other Committees it may strike, each Assembly shall strike a Resolutions Committee comprised of six Dene Citizens, including a minimum of three (3) from the Leadership, which shall implement the **Resolutions Policy** established by the Dene Nation for the orderly submission of draft resolutions.

Quorum

- 3.7 Quorum to open any Dene National Assembly or make resolutions thereat shall be formed when 30% of the possible Voting Delegates, representing at least three (3) Dene Regions, calculated thirty (30) days prior to the date of the National Assembly have registered and are either personally present or represented by Proxy at the meeting.

Resolutions and Decision Making at Assemblies

- 3.8 Subject to 3.9, draft resolutions to be considered at an Assembly must comply with the Resolutions Policy and be submitted to the CEO at least 45 days before the first day of the Assembly. Draft resolutions to amend the Constitution or By-law must be submitted to the CEO at least 75 days in advance of the Assembly. The CEO will ensure that all members of the Executive receive copies of all draft resolutions which comply with the Resolutions Policy.
- 3.9 The Resolutions Committee has discretion to allow resolutions which do not comply with 3.8, such as resolutions of an urgent nature, or which relate to issues that arose during the 45 day period before the start of an Assembly, but all such resolutions

must be submitted to the Committee at least 48 hours before they are considered by the Assembly. Draft resolutions which do not comply with 3.8 or this section may only be considered if the Assembly unanimously decides to waive the requirements of this By-law and the Resolutions Policy.

- 3.10 Draft resolutions which would amend the Constitution or By-laws of the Dene Nation must be sent to all Members at least 60 days before the start of an Assembly.
- 3.11 Resolutions may be passed by consensus or by voting. The Chairperson may declare when consensus has been reached on a resolution or other matter under discussion.
- 3.12 Subject to 3.11, a resolution is passed when consensus is reached or, failing which, a majority of not less than two-thirds (66%) of the Voting Delegates who are present in person or by Proxy at a meeting vote in favour of the resolution.
- 3.13 A Special Resolution to amend the Constitution or By-laws of the Dene Nation is passed when a majority of not less than three-quarters (75%) of the Voting Delegates who are present in person or by Proxy at an Assembly vote in favour of the resolution.
- 3.14 Unless a show of hands or a ballot, or other form of vote by electronic means is demanded by at least one (1) Voting Delegate, the Chairperson may declare a resolution to have been passed or defeated.
- 3.15 A declaration by the Chairperson that a resolution is passed, followed by an entry to that effect in the Minute Book of the Dene Nation, shall be conclusive proof of that fact.
- 3.16 In the case of an inconclusive vote the Chairperson may:
 - (a) call for amendments to the resolutions and, if amendments are seconded, hold another vote; or
 - (b) declare that a second vote will take place at a fixed place, date and hour during the meeting;

Failing the passage of such amended resolution(s) or a decision by second vote, the

Chairperson shall declare the resolution defeated.

- 3.17 A Voting Delegate who is in attendance at a meeting of the National Assembly, may, while the meeting is in session, appeal a ruling of the Chairperson to the members of the Leadership present at the meeting, who shall decide the ruling by vote among them. The decision of the Leadership is absolutely final and conclusive.

Calculating Voting Delegates

- 3.18 Each Dene Community is entitled to be represented at a National Assembly by three Voting Delegates who are entitled to one vote each. In addition, where a Dene Community has more than one hundred (100) Dene Citizens, they shall have one additional voting delegate for every additional fifty-one (51) to one hundred (100) Dene Citizens in that community.
- 3.19 In addition to the delegates in 3.18 the Chief of every Dene Community is a Voting Delegate.
- 3.20 In addition to 3.18 and 3.19 the Grand Chief of each Dene Territory is a Voting Delegate. Dene Territories which do not have a Grand Chief may appoint any one of their leaders to be a Voting Delegate under this section, as if he or she was a Grand Chief.
- 3.21 For the purpose of determining the number of eligible Voting Delegates for each Dene Community at meetings of the National Assembly, each Dene Community shall disclose its total number of Dene Citizens to the Executive, in such manner and at such times as the Executive may require.
- 3.22 For Dene Territories in which a government has been recognized under the terms of a Comprehensive Land Claim or Self-Government Agreement, articles 3.18, 3.19 and 3.20 do not apply. Instead, in Dene Territories in which a government has been recognized under the terms of a Comprehensive Land Claim or Self-Government Agreement, each Dene Territory is entitled to be represented at a National Assembly by three Voting Delegates from each Dene Community who are entitled to one vote each.
- 3.23 In addition to 3.22, where a Dene Community referred to in 3.22 has more than one hundred (100) Dene Citizens, the Territory shall have one additional Voting Delegate

for every additional Fifty-One (51) to one hundred (100) Dene Citizens in that community.

- 3.23 Subject to the Dene Nation Constitution, the selection of the Voting Delegates shall be determined by each Dene Community or Region in its absolute discretion.

Proxy Voting

- 3.24 An Absent Voting Delegate is entitled to have his or her vote cast by another Voting Delegate, by Proxy.

- 3.25 A Proxy shall be authorized by the Absent Voting Delegate to vote on behalf of that Absent Voting Delegate, failing which a Proxy may be authorized by his or her Dene Territory or Dene Community, as the case may be.

- 3.26 No Voting Delegate and no member of the Executive shall be Proxy for more than one Absent Voter.

Reporting on Resolutions

- 3.27 The National Chief and CEO of the Dene Nation shall report to each Assembly on the steps taken to implement resolutions adopted by the previous Assembly.

Moved: Chief Gerry Cheezie

Seconded: Chief Wanda Pascal

Date: April 15, 2021; Inuvik