

DENE NATION CONSTITUTION REFORM COMMISSION (CRC)

DENE NATION CONSTITUTION

We the Dene,

- a. are given the sacred spiritual responsibility by the Creator to take care of and live in harmony with Denendeh and each other as stewards of the Land, water, air and animals;
- b. have, since time immemorial, been inseparable from, lived on, occupied, used, shared, governed and defended Land in and adjacent to Denendeh;
- c. respect the laws of nature and recognize our responsibility to Protect and preserve the Land for our children and grandchildren;
- d. possess inherent rights to self-determination as distinct peoples;
- e. recognize that we live in separate, self-governing Territories while maintaining our unity as one Dene Nation;
- f. have oral peace and friendship Treaties amongst ourselves and with other Indigenous Nations;
- g. have peace and friendship Treaties and modern Land and self-government agreements with the Crown;
- h. recognize the equality of all persons and all living things, including the Land, air and water;
- i. recognize the continuing need to uphold, facilitate, coordinate, and assist in the implementation of Dene rights and responsibilities, including our duty to share the benefits of our resources in accordance with Dene laws and customs;
- j. recognize the continuing importance of the 1975 Dene Declaration as a founding document of Dene unity which affirms Dene nationhood;

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- k. look to the United Nations Declaration on the Rights of Indigenous Peoples as a guide towards establishing mutually respectful relationships, including between Dene and the Crown;
- l. recognize the continuing importance of the traditional Dene values and principles outlined in the Appendix to this Constitution;
- m. declare that the Dene Nation shall remain at all times an instrument to advance the aspirations of Dene Regions and Dene Communities and shall not become greater in strength, power, resources or jurisdiction than the Regions and Communities for which it was established to serve; and
- n. have created Dene Nation Institutions to accomplish the objectives of the Dene.

1. OBJECTIVES

The objectives of the Dene Nation are to:

- a. promote the unity of our Dene Governments;
- b. respect the jurisdiction and authority of each Dene Government and the authority of each to speak for themselves;
- c. defend Dene jurisdiction and sovereignty over Dene Lands;
- d. support the sovereignty of the Dene by fostering, developing and implementing programs and services, legislation and policies for the political, economic, social, educational, health, spiritual and cultural self-determination of the Dene;
- e. foster a more equal and just Dene society through striving to eliminate inequalities and injustices, including those brought by colonialism and the *Indian Act*, by returning to Dene traditions;
- f. support initiatives to ensure that our historic and modern Treaties are fully honoured and implemented;

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- g. co-ordinate relations between the Dene, our Governments and Dene Nation Institutions and other Indigenous Nations to promote collective advancement; and
- h. work in partnership with Dene, our governments and Dene Nation Institutions, when requested or required to:
 - i) promote, defend and practise Treaty and other rights, title and interests of the Dene;
 - ii) promote, defend and practise Dene self-determination, laws, language, culture, ceremonies and customs; or
 - iii) support the voices of the Dene, our governments and Dene Nation Institutions by advocating for their interests.

2.0 DEFINITIONS

- 2.1 Words and phrases in this Constitution have the same meaning as those defined in the Organizational By-law of the Dene Nation.

3.0 MEMBERSHIP OF THE DENE NATION

- 3.1 The Members of the Dene Nation are the five Dene Territories or Regions, namely the Gwich'in, Sahtú, Dehcho Territory Government, Tłı̨chǫ Government and Akaitcho Territorial Government.
- 3.2 In addition to the five Dene Territories or Regions, Dene Communities which are not affiliated with any of the five Regions or Territories, known as Independent Dene Communities, are Members of the Dene Nation.
- 3.3 Each Dene Community and Dene Territory or Region will determine and administer its own membership, including who is a "Citizen" for the purposes of their respective Territories, Regions and communities.

4.0 THE DENE NATIONAL ASSEMBLY

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- 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.

5.0 THE LEADERSHIP

- 5.1 The voting members of the Dene Nation Leadership shall consist of the Chiefs of the Dene Communities, the voting members of the Executive and the Dene National Chief. In addition, the Leadership will include up to five representatives of the Elders Council, and representatives of the Dene Women's Advisory Council and the Dene Youth Council as non-voting members.
- 5.2 The Leadership shall discuss, consult, and decide upon matters that are important to the attainment of the objectives of the Dene Nation.
- 5.3 The Leadership must report at the next National Assembly on all Leadership resolutions since the last National Assembly.
- 5.4 Subject to the direction of the National Assembly, the Leadership may direct the National Chief and the Executive.
- 5.5 The Leadership may establish procedures and rules of order for conducting their affairs.

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5.6 The Leadership may strike committees on such terms and conditions as they see fit.

6.0 THE EXECUTIVE

6.1 The Executive of the Dene Nation shall consist of the National Chief, the Grand Chief or other Chief designated by each Dene Territory, one representative from the Independent Dene Communities, an Elder chosen by the Elders Council, a representative of the Women's Advisory Council, and a representative of the Youth Council. The Elder, Women's Advisory Council and Youth representatives shall be non-voting members.

6.2 The Executive shall appoint a Treasurer and Secretary from amongst themselves. The Treasurer, together with the CEO, shall be responsible for, and shall report to the Executive on, the oversight and management of the financial affairs of the Dene Nation. The Secretary, together with the CEO, shall be responsible for record keeping, including the minutes of meetings of the Executive, Leadership and the National Assembly.

6.3 The members of the Executive shall be *ex officio* members of all committees of the Dene Nation, including a Resolutions Committee that administers the Resolutions Policies used at the National Assembly and Leadership meetings.

6.4 The Executive shall be the Board of Directors of the Dene Nation Corporation.

6.5 The Executive shall be responsible for:

(a) implementing the direction of the National Assembly and the Leadership;

(b) developing and approving the Dene Nation budgets;

(c) developing and approving Dene Nation policies and procedures;

(d) ensuring compliance with all corporate and legal requirements; and

(e) hiring and termination, and setting the remuneration of the Chief Executive Officer of the Dene Nation.

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6.6 The Executive may delegate any of its' functions and responsibilities, other than those in respect of which applicable legislation prohibits delegation.

7.0 DENE ELDERS COUNCIL (DEC)

7.1 Each Dene Territory will appoint an Elder and an Alternate Elder to the DEC, for a term of two years, with the appointments striving to reflect gender balance and different communities. The Independent Dene Communities will also appoint an Elder and an Alternate to the DEC on their behalf. The Alternate Elders will only attend DEC meetings when the Elders for whom they are appointed as Alternates cannot attend.

7.2 If a Dene Territory does not appoint an Elder or Alternate Elder, the National Chief may appoint an Elder from that Territory to serve on the DEC until the Territory appoints their Elder.

7.3 The DEC will provide guidance and recommendations to the Executive Committee and participate in Assemblies and Executive Committee meetings in an advisory capacity. The Elders will in particular give advice related to the principles outlined in the preamble of this Constitution.

7.4 The Dene National Chief shall appoint one Resident Dene Elder, and one Alternate Resident Dene Elder to act in the absence of the Resident Dene Elder, for his/her term in office. The Resident Dene Elder will provide advice in order to assist, guide and support the Dene National Chief during his or her term in office.

7.5 The Resident Elder shall Chair the DEC and liaise between the DEC and staff to carry out necessary tasks consistent with direction from DEC.

8.0 DENE YOUTH COUNCIL (DYC)

8.1 The Youth of each Dene Territory will choose a Youth delegate and an alternate, from different Dene Communities, with appointments reflecting gender balance, to the Dene Youth Council. The Youth of the Independent Dene Communities will also appoint a Youth delegate and an alternate to the DYC. The delegates and their alternates will serve terms of one year and the alternates will only attend DYC meetings when the Youth for whom they are appointed as alternates cannot attend.

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- 8.2 If the Youth of a Dene Territory do not have the capacity to collectively choose Youth delegates to represent them, the Grand Chief of that Territory may appoint Youth from that Territory to serve on the DYC until the Territory's Youth choose their own representatives.
- 8.3 The DYC will provide guidance and recommendations to the Leadership, Executive Committee and Dene National Chief, and will participate in Assemblies and Leadership and Executive Committee meetings in an advisory capacity.

9.0 DENE WOMEN'S ADVISORY COUNCIL (DWAC)

- 9.1 The women of each Dene Territory will appoint a delegate and an alternate, from two different Dene Communities, to the Dene Women's Advisory Council. The women of the Independent Dene Communities will also appoint a delegate and an alternate to the DWAC. The delegates and their alternates will serve terms of four years and the alternates will only attend DWAC meetings when the delegates for whom they are appointed as alternates cannot attend.
- 9.2 If the women of a Dene Territory do not have the capacity to collectively choose a delegate and alternate to represent them, the Grand Chief of that Territory may appoint a Dene woman from that Territory to serve on the DWAC until the Territory's women choose their own representatives.
- 9.3 The DWAC will provide guidance and recommendations to the Leadership, Executive Committee and Dene National Chief, and will participate in Assemblies and Leadership and Executive Committee meetings in an advisory capacity.

10.0 THE ROLE OF THE DENE NATIONAL CHIEF

- 10.1 The Dene National Chief shall be the spokesperson of the Dene Nation in relation to issues of common concern to the Dene, including on national and international issues.
- 10.2 The National Chief is responsible for achieving the objectives of the Dene Nation, including by:
- (a) alerting the Dene Governments and Dene National Institutions to potential issues of common concern;

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- (b) organizing, promoting, and facilitating, according to Dene law, custom and tradition, discussion among and decision-making by the Dene, our governments and Dene Nation Institutions;
- (c) ensuring the Dene Nation offices are accessible and responsive to all Dene Citizens;
- (d) reporting at least quarterly to the Leadership and Executive on issues of importance to the Dene Nation, and reporting to each Assembly on the steps taken to implement resolutions adopted by the previous Assembly;
- (e) recommending Chairpersons for meetings and committees;
- (f) performing the operational and administrative functions necessary to oversee the daily business of the office of the Dene National Chief; and
- (g) subject to the direction of the Executive, providing general direction to the CEO in the CEO's discharge of his/her functions and duties.

10.3 The Dene National Chief shall consult with, obtain the advice of, and be accountable to the Leadership in relation to statements made and actions taken on behalf of the Dene Nation.

10.4 The office of the Dene National Chief will assist in resolving issues as requested or required by Dene Citizens, Dene Communities, Dene Territories or the Leadership, but must remain neutral and impartial when dealing with internal Dene Territory or Dene Community disputes.

11.0 ELECTION OF THE DENE NATIONAL CHIEF

11.1 A person nominated for the position of the Dene National Chief must be a Dene Citizen at least 30 years of age at the time of the election, must not be financially indebted to the Dene Nation pursuant to a judgement, and must submit a criminal record check for the previous five years.

11.2 The Executive shall appoint an Election Committee of the National Assembly to coordinate and conduct the election for the Dene National Chief.

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11.3 The Dene National Chief shall be elected or acclaimed by the Voting Delegates at the National Assembly, or selected according to Dene law, custom and tradition, and shall serve for a period of four (4) years, and the term may be extended for up to six (6) months by the Executive if the Assembly at which the election is due cannot be held on time. The part of this clause extending the term of the National Chief to four (4) years will take effect after the end of the National Chief's three year term in 2021.

11.4 The Dene National Chief will primarily reside in Yellowknife during his / her term and must be a resident of the NWT during at least two of the past three years before the election.

12.0 SUSPENSION OF THE POWERS OF THE DENE NATIONAL CHIEF

12.1 The powers, functions, and duties of the Dene National Chief may be suspended as set out in the By-laws.

13.0 REMOVAL OF THE DENE NATIONAL CHIEF

13.1 The National Chief may be removed from office by the National Assembly as set out in the By-laws.

14.0 RESIGNATION OF THE DENE NATIONAL CHIEF

14.1 The Dene National Chief may resign office upon giving the Leadership written notice of the effective date of the resignation of ninety (90) days or such lesser period of time as the Dene National Chief and the Leadership may agree, in writing.

15.0 AMENDING THIS CONSTITUTION

15.1 The Constitution of the Dene Nation shall not be altered, varied, or rescinded in whole or in part except by a Special Resolution as set out in the By-laws.

15.2 The Notice required in the By-laws shall be sufficient for the purpose of amending the Constitution.

16.0 INTERPRETATION OF THE CONSTITUTION AND BY-LAWS

- 16.1 Nothing in the Constitution or By-Laws of the Dene Nation shall be interpreted in a way that interferes with or may have any adverse effects upon the Treaty or Aboriginal Rights, title and interests of Dene Citizens, Dene Territories, or Dene Communities, including rights or jurisdictions recognized in a Comprehensive Land Claim or self-government agreement.
- 16.2 In situations where this Constitution or the By-laws are silent, the Dene Nation shall be governed by Dene Laws, traditions and customs.