

Resolution of the Dene National Assembly

Resolution # 6

Re: Constitutional Reform - Dene National Chief

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 The following provisions of the existing Constitution and By-law are hereby repealed:

The Dene National Chief

- 4.12 The Dene National Chief shall ensure that the spirit and intent of these By-Laws is maintained by impartially organizing, promoting, and facilitating discussion among, and decision-making by, the members and organs of the Dene Nation, according to Dene Law and tradition and by making the Dene National Office accessible and responsible to all Dene Citizens.
- 4.13 The Dene National Chief shall be the spokesperson of the Dene Nation in relation to national and international issues.
- 4.14 The Dene National Chief with the Chief Executive Officer (CEO) shall perform the operational and administrative functions necessary to oversee the daily business of the Dene Nation.
- 4.15 The Dene National Chief shall develop with the CEO of the Dene Nation for the approval of the Executive, clear and concise written operational policies and procedures including, without limiting the generality of the foregoing, those for the hiring and termination of support staff, the payment of wages, salaries, and benefits, and the contracting of services to the Dene Nation.
- 4.16 The CEO working in conjunction with the National Chief and Executive according to the Dene Nation Charter and Dene Nation Policy and Procedures.
- 4.17 The Dene National Chief with the CEO shall, on request, report to the Executive in relation to and be responsible for all operational and administrative decisions.

- 4.18 The office of the Dene National Chief must remain neutral and impartial when dealing with territory/regional/community issues.
- 4.19 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.
- 4.20 The salary of the Dene National Chief shall be determined by resolution of the Executive, based on an appropriate wage scale.
- 4.21 If the Dene National Chief is incapacitated or otherwise unable to discharge his or her duties and functions for any period longer than thirty (30) days, the Leadership may appoint a spokesperson from amongst its membership in place of the Dene National Chief until:
- (a) the Dene National Chief is able to resume his or her duties and functions; or
 - (b) another Dene National Chief is elected by the National Assembly.
- 4.22 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.

Election of the Dene National Chief

- 4.23 A person nominated for and selected to the position of the Dene National Chief must be a Dene Citizen.
- 4.24 The Leadership may appoint an Election Committee to coordinate and conduct the election, acclamation, or other means of selecting the Dene National Chief according to the policies and procedures established by the National Assembly.
- 4.25 The Dene National Chief shall be elected, acclaimed, or selected according to Dene law and tradition by the Voting Delegates present at the Annual Meeting of the National Assembly and shall serve for a period of three (3) years, subject to these By – laws.
- 4.26 The Dene National Chief shall take an Oath of Office upon being elected or acclaimed and before performing any act in his or her official capacity. The Oath of Office shall be approved by and be administered before the National Assembly.

Involuntary Removal of the Dene National Chief

- 4.27 The Dene National Chief shall not be removed from office except by a resolution of the National Assembly passed by not less than two-thirds (66%) of the Voting Delegates present or voting by Proxy.
- 4.28 Notice of a resolution to remove the Dene National Chief shall be given to all Dene Citizens no less than ninety (90) days before a meeting of the National Assembly called for that purpose.

- 4.29 The Notice shall be given in accordance with the paragraphs 2.8 and 2.9 of the By-Laws and the Notice shall state who the moving person is and the grounds upon which the removal of the Dene National Chief is requested.
- 4.30 If a Dene National Chief is removed from Office at a meeting of the National Assembly, the National Assembly shall appoint an interim Dene National Chief to hold office until a Dene National Chief is elected, appointed, or selected in accordance with these By-Laws.
- 4.31 An interim Dene National Chief shall take the Oath of Office prescribed under these articles before a member of the Executive and before performing any act in his or her official capacity.
- 4.32 Upon the suspension by resolution of a National Chief, the Leadership shall appoint an interim Dene National Chief by resolution who shall hold office until the suspension is lifted or a new National Chief elected.

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

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;
- (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 indebted to the Dene Nation pursuant to a financial 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.

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, ~~provided that~~ 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 ~~will~~ 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.

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

6.0 THE DENE NATIONAL CHIEF

6.1 The Dene National Chief shall fulfill all duties in accordance with the Constitution and By- laws, Assembly resolutions and Dene Nation policies and procedures.

6.2 The Dene National Chief shall take an oath of office upon being elected or acclaimed and before performing any act in an official capacity. The oath of office shall be approved by and administered before the National Assembly.

- 6.3 The Dene National Chief reports to the National Assembly and Leadership.
- 6.4 The Dene National Chief is the chairperson of the Executive.
- 6.5 If the Dene National Chief is incapacitated or otherwise unable to discharge the duties and functions of office for any period longer than thirty (30) days, the Leadership may appoint a spokesperson from amongst themselves in place of the Dene National Chief until:
- (a) the Dene National Chief is able to resume official duties and functions; or
 - (b) another Dene National Chief is elected by the National Assembly.

Suspension of the Powers of the Dene National Chief

- 6.6 The Leadership may suspend the powers, functions, and duties of the Dene National Chief by a resolution at a Leadership meeting.
- 6.7 Upon suspension of a Dene National Chief by resolution, the Leadership shall appoint an interim National Chief by resolution who shall hold office until the suspension is rescinded by the Leadership or the National Assembly or until a new National Chief is elected.
- 6.8 The Leadership may, by resolution, rescind its decision to suspend the Dene National Chief or, in the alternative, it shall call a National Assembly to take place within ninety (90) days of the date of suspension of the National Chief.
- 6.9 At a meeting of the National Assembly, the Assembly may, by consensus or resolution:
- (i) rescind the suspension and restore the Dene National Chief to office;
 - (ii) elect a new Dene National Chief; or
 - (iii) require the calling of an election to take place within ninety (90) days of the closing day of the National Assembly to fill the office of the National Chief.

Removal of Dene National Chief

- 6.10 The Dene National Chief shall not be removed from office except by a resolution of the National Assembly.
- 6.11 Notice of a resolution to remove the Dene National Chief shall be given to all Dene Communities no less than thirty (30) days before a meeting of the National Assembly called for that purpose.
- 6.12 Subject to 6.11, notice shall be given in accordance with articles 3.2 and 3.3 of the By-Laws and the Notice shall include the resolution and the grounds upon which the removal of the Dene National Chief is requested.
- 6.13 If a Dene National Chief is removed from office at a meeting of the National Assembly, the National Assembly shall appoint an interim Dene National Chief to hold office until a Dene National Chief is elected, appointed, or selected in accordance with these By-Laws.
- 6.14 An interim Dene National Chief shall take the prescribed Oath of Office before a member of the Executive and before performing any act in an official capacity.

Moved: Wayne Sabourin, Dehcho

Seconded: Chief Lloyd Chicot, Kakisa

Date: March 4, 2021, Ft. Simpson