



# Kluane First Nation

CONSTITUTION 101

# What is a Constitution?

Merriam-Webster describes a constitution as....

- ▶ **1a** : the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it
- ▶ **b** : a written instrument embodying the rules of a political or social organization

# Why do we have a Constitution?

- ▶ It serves as Kluane First Nation's highest law.
- ▶ Sets out the principles of governance for our Nation.
- ▶ It is required by section 10 of the KFN Self-Government Agreement.

# Article 2 - Objectives

- ▶ Sets out the objectives of KFN, this includes basic principles of governance.
- ▶ Some of our objectives are:
  - ▶ to ensure the protection of the human, civil and legal rights of Citizens;
  - ▶ to provide a unified voice for the Citizens of the Kluane First Nation;
  - ▶ to maintain strict financial accountability to Citizens;
  - ▶ to exercise its powers in conformity with the Constitution;
  - ▶ to control the disposition of rights and interests in and to the traditional lands and resources of the Kluane First Nation;
  - ▶ to ensure that Citizens will always have adequate food, clothing and shelter;

# Article 3 - Citizens

- ▶ Refers to the KFN Citizenship Code which is an appendix to the Constitution
- ▶ The Citizenship Code sets out ...
  - ▶ the criteria to be a Kluane First Nation Citizen
  - ▶ The processes and authorities to be used when applying for citizenship or applying to transfer out
  - ▶ Rules to be applied when determining citizenship.



# Article 4 - Responsibilities

- ▶ 4.1 Sets out the responsibilities of citizens and KFN's governing bodies
  - ▶ maintain our values and traditions, and the well-being of our people;
  - ▶ learn from the teachings of our Elders;
  - ▶ promote lifelong learning, sharing, honesty, healthy living, and love and respect for our fellow human beings;
  - ▶ honour and respect the Constitution.
- ▶ 4.2 sets out how the powers and authorities within the Kluane First Nation should be exercised

# Article 5 – Rights and Freedoms of Citizens and Individuals

- ▶ Much of this this section mirrors the Canadian Charter of Rights and Freedoms
- ▶ Declares Southern Tutchone as KFN's official language
- ▶ Sets out rights of Honorary Citizens

# Article 6 – Organization of KFN Government

- ▶ The seat of government of the Kluane First Nation shall be located at Burwash Landing, Yukon Territory, or otherwise be located within the traditional territory of the Kluane First Nation as the General Assembly, in its sole discretion, deems advisable.
- ▶ The Kluane First Nation government may consist of five branches: the General Assembly, the Council, the Elders Council, the Youth Council, and the Kluane First Nation court.
- ▶ No branch of Kluane First Nation government shall share any power or duty allocated by the Constitution with another branch, except as specifically authorized by the Constitution.
- ▶ The General Assembly and the Council shall be the law-making branches of the Kluane First Nation government.



# Article 7 – GA & Article 8 - Council

- ▶ These articles set out the jurisdiction, roles, responsibilities and procedures of each of these branches of Government.

# Article 9 – Chief & Article 10 – Deputy Chief

- ▶ These articles set out the criteria for, roles & responsibilities for each of these positions on Council.

# Article 11 – Elder's Council & Article 12 – Youth Council

- ▶ Sets out the composition (age range) of each council as possible prances of government.
- ▶ Provides each Council with the ability to determine its own procedures.
- ▶ The Elder's council shall:
  - ▶ Shall assist and advise the Chief, Council, and Youth Council in their functions.
  - ▶ Shall recommend programs for Elders.
  - ▶ may provide advice on matters respecting the heritage, culture, language, justice and citizenship of the Kluane First Nation.
- ▶ The Youth Council shall recommend programs for Youth.

# Article 13 – Justice System

- ▶ Sets out general principles and guidance on the development of a future justice system for the administration of KFN laws.

# Article 14 – Removal from Office

- ▶ Sets out the reasons a member of Council may be removed from office as well as the procedure that should be used to remove someone from office.



# Article 15 – Legislative Authority

- ▶ Only the General Assembly and the Council have the authority to pass laws on behalf of KFN
- ▶ The Council has authority to pass laws in all areas that have not been specifically assigned to the GA in the Constitution
- ▶ KFN may delegate any of its legislative authority or powers

# Article 16 – Settlement Land

- ▶ Kluane First Nation settlement land shall not be sold or otherwise permanently disposed of.
- ▶ Notwithstanding 16.1, any exchange of Kluane First Nation settlement land must be approved by the General Assembly with a minimum of 75% majority of those Citizens present and eligible to vote.
- ▶ Any granting of interests in Kluane First Nation settlement land, including leases, shall be done in accordance with Kluane First Nation Law.

# Article 17 – Challenging & Quashing of Laws

- ▶ Sets out the procedure for the challenging and quashing of a KFN Law

# Article 18 – Amending the Constitution

- ▶ The Constitution is KFN's highest law and up until recently it was very easy to amend, requiring only a vote of at least 12 citizens.
- ▶ The article now sets out a cyclical review period of 5 years, detailing the process for review, citizen consultation and amendment of the constitution.