

CONSTITUTION OF THE CHAMPAGNE AND AISHIHIK FIRST NATIONS 2011

WE, THE PEOPLE of the Champagne and Aishihik First Nations, by virtue of the rights and powers bestowed upon us by the Creator and our occupancy of this land from time immemorial choose to exercise our rights and responsibilities for the well being of the people of Champagne and Aishihik First Nations, the protection of the land and its resources and for future generations hereby adopt this Constitution to be the supreme law of the Champagne and Aishihik First Nations.

Objectives of the Champagne and Aishihik People

The objectives of this Constitution are:

- a) to ensure the land, environment and traditional territory of the Champagne and Aishihik people are maintained, protected and respected;
- b) to ensure a lifestyle of balance among spiritual, mental, emotional and physical health to support the dignity and pride of the Champagne and Aishihik people;
- c) to ensure the protection of the human, civil, legal and cultural rights of the Champagne and Aishihik people;
- d) to ensure proper management and control of Champagne and Aishihik First Nations' natural, renewable and cultural resources;
- e) to provide a unified voice for the Champagne and Aishihik people;
- f) to exercise and implement Land Claims, self-government and other agreements entered into by the Champagne and Aishihik First Nations;
- g) to preserve, enhance and protect the culture, heritage, language, land and traditional territory of the Champagne and Aishihik people; and
- h) to establish a responsible and accountable government that is operated and managed in a manner that is reflective and respectful of the culture and values of the Champagne and Aishihik People.

Definitions

1. In this Constitution,

“Chief” means the Chief of the First Nation;

“Citizen” means a Citizen of the First Nation as determined in accordance with the provisions of the Citizenship Code set out in Schedule A of this Constitution;

“Councillor” means a Councillor of the First Nations Council and includes the Youth Councillor and Elders Councillor;

“First Nation” means the Champagne and Aishihik First Nations;

“First Nations Council” means the chief and four Councillors at large, one Elders' Councillor and one Youth Councillor;

“Final Agreement” means the Champagne and Aishihik First Nations Final Agreement signed on May 29, 1993, by representatives of the Champagne and Aishihik First Nations, Her Majesty the Queen in Right of Canada, and the Yukon Government, and includes amendments to that agreement made in accordance with the provisions of that agreement;

“Government” means the Champagne and Aishihik First Nations' Government; and

“Settlement Lands” meaning settlement land as defined in the Final Agreement.

PART 1
RIGHTS OF CITIZENS

- Citizenship**
2. The determination of Citizenship within the First Nation shall be under the primary responsibility and jurisdiction of the First Nation.
 3. Citizenship shall be determined in accordance with the Citizenship Code set out in Schedule A of this Constitution.
- Rights and Responsibilities of Citizen**
4. This Constitution guarantees the rights and freedoms set out in it subject only to such reasonable limits that can be demonstrably justified in a free and democratic First Nation society.
 5. Every Citizen shall have the following fundamental rights and freedoms:
 - a) every Citizen is guaranteed the right to exercise freedom of religion, freedom of speech or of the press, and to assemble peaceably or to petition for redress of grievances;
 - b) every Citizen is guaranteed the right to life, liberty and security of person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice;
 - c) every Citizen has the right to be secure against unreasonable search or seizure;
 - d) every Citizen is guaranteed the right not to be twice put in jeopardy for the same offence, or compel any person in any proceedings to provide evidence harmful to himself or herself;
 - e) every Citizen is guaranteed the right not to be subject to any cruel or unusual punishment;
 - f) every Citizen is guaranteed the right not to have taken any personal, individual or family property or interest for First Nation use without due process and fair compensation;
 - g) every Citizen accused of a First Nation offence is guaranteed not to be denied the right
 - i) to know the full nature of the charge;
 - ii) to have a prompt and public trial;
 - iii) to hear all testimony;
 - iv) to have compulsory process for having witnesses called by him or her at his or her expense; and
 - h) to have counsel for his or her defense.
 6. In exercising any of the powers set out in this Constitution, the Government shall not enact any law that limits, restricts or prevents the exercising of any rights or freedoms set out in this Constitution unless such reasonable limits prescribed by law can be demonstrably justified in a free and democratic First Nation society.
 7. Pursuant to the terms of the Final Agreement and the Self-Government Agreement and the inherent rights of the First Nation and its Citizens, every Citizen shall have the right to use firearms in order to pursue subsistence and cultural harvesting and gathering within the traditional territory.

PART 2
GOVERNMENT

- Government of the First Nation**
8. The jurisdiction of the Government shall apply:
 - a) to Citizens in the Yukon;
 - b) to all Settlement Land;
 - c) to all Government personnel and the administration of Governmental affairs, operations and internal management on and off Settlement Lands;
 - d) to all persons on Settlement Lands; and
 - e) to such other matters and persons within the inherent right of self-government or within any agreements, treaties, land claims or other contracts entered into by the Government.
 9. The Government shall consist of four branches: the General Assembly; the First Nations Council; the Elders Senate; and the Youth Council.
 10. No branch of the Government shall possess or exercise any jurisdiction, authority or power beyond that which is prescribed by this Constitution.
 11. The First Nations Council shall be the law-making branch of the Government.
 12. The privileges, immunities, and powers to be held, enjoyed, and exercised by the General Assembly, First Nations Council, Elders Senate, and Youth Council, and by the members thereof respectively, shall be such as are from time to time defined by an Act of the First Nations Council, but any Act of the First Nations Council defining such privileges, immunities, and powers shall not confer any such privileges, immunities, and powers exceeding those at the passing of such Act held, enjoyed and exercised by the Parliament of Canada.
- Participation in Democratic Process**
13. Every Citizen shall have the right to participate in any and all democratic processes of the Government, including:
 - a) voting for members of the First Nations Council; and
 - b) participation in the General Assembly, Elders Senate, and Youth Council, subject to the limitations set out in this Constitution.
 14. Any Citizen participating in any democratic process set out in section 13 may speak in a First Nation traditional language, and, where feasible, translation will be provided.
 15. Any Citizen participating in any democratic process set out in section 13 and whose first language is a traditional language of a First Nation may request translation of the proceedings into a First Nation's traditional language, and, where feasible, translation will be provided.
 16. Citizens of the First Nation who are sixteen years of age or older shall be eligible to vote in elections of the Chief and Councillors.
 17. Elections of the Chief and Councillors shall be held at approximately the same time every four years; such elections shall be styled "general elections."
 18. An eligible Citizen may stand for election as Chief or as Councillor, but may not stand for both.
 19. (1) An Election Board appointed by the First Nation Council shall be responsible in accordance with the First Nations Laws, for the registration of voters, the supervision and conduct of nominations and the election of the positions of Chief and Councillors of

the First Nations Council.

- a) No member of the Elections Board shall be a First Nation Councillor or a candidate for election to the First Nations Council; and
- b) members of the Elections Board shall be appointed for fixed terms, they may be reappointed.

(2) In absence of a First Nation law establishing a process to address protests or disputes relating to the responsibilities of the Elections Board, the Elections Board shall appoint an independent arbitrator who shall be seized of all protests or disputes that arise in association with the responsibilities of the Elections Board.

20. The election of all Councillors and the Chief shall be by secret ballot.
21. The Elections Board shall declare elected those candidates who have been elected, in accordance with the election procedures of the First Nation.

**The Champagne and Aishihik
General Assembly**

22. There is hereby established a branch of Government called the General Assembly.
23. The General Assembly shall consist of
 - a) a minimum of forty Citizens who are sixteen years of age or older; and
 - b) a quorum of the First Nations Council.
24. The General Assembly shall:
 - a) provide direction from the Citizens to the Government;
 - b) receive updates and yearly reports from the Government on all matters concerning the Citizens and the administration of the Government;
 - c) receive and review the yearly audited financial statement of the Government;
 - d) amend the Constitution from time to time, in accordance with the provisions of this Constitution;
 - e) set general policy and mandates for the Government; and
 - f) approve transitional provisions required from time to time upon the amendment of this Constitution.
25. The General Assembly shall meet annually and at such other times as the General Assembly or the First Nations Council may direct.
26. Notwithstanding the provisions set out in this Constitution, the General Assembly shall determine its own procedure, and any failure by the General Assembly to adhere to or follow its own procedure shall not be reviewable by any court.
27. The First Nations Council shall be responsible for arranging meetings of the General Assembly.
28. The Chief shall preside as Chair over all meetings of the General Assembly.
29. The Chief shall vote only when his or her vote is required to break a tie on any vote taken during the General Assembly.
30. Notwithstanding section 29, no member of the First Nations Council shall vote on any matter before the General Assembly, unless
 - a) the vote is to amend the Constitution; or
 - b) the vote is on a matter that the participation of the Councillors in such a vote has been approved, by resolution of the General Assembly, prior to the voting on that matter at the General Assembly.

31. Notwithstanding section 28, the First Nations Council may appoint a person other than the Chief to be the Chair of a meeting of the General Assembly.
 - a) the position of Chair may be filled by a person who is not a Citizen; and
 - b) where the Chair is someone other than the Chief, that person shall not be eligible to vote in any proceeding of the General Assembly.
32. Only Citizens who are sixteen years of age or older may vote in meetings of the General Assembly.
33. Public notice of the General Assembly shall be made thirty days prior to the commencement of any General Assembly and shall include the date, location, commencement time and an outline of the nature of business to be dealt with at the General Assembly.
34. Notwithstanding section 33, in cases of emergency or crisis, the First Nations Council shall have power to call and conduct meetings of the General Assembly.
35. In cases of emergency or crisis including funerals or potlatches of First Nation Citizens, the First Nations Council shall have the power to postpone a duly called General Assembly, but the First Nations Council shall advise its Citizens of such cancellation as soon as practicable and report to the next General Assembly the reasons for such cancellation.
36. The quorum of the General Assembly shall be forty Citizens who are eligible to vote.
37. Consensus decision making on all matters before the General Assembly shall be encouraged, however, if in the opinion of the Chair such consensus cannot be attained, the Chair shall call for a vote on the matter before the General Assembly.
38. Where a vote is called pursuant to section 37, a decision on a matter before the General Assembly, which is not a Constitutional amendment, shall require the approval of a majority of those present and entitled to vote.
39. Every eligible Citizen shall have the right to participate in any General Assembly.
40. Unless otherwise directed by the General Assembly, the General Assembly may convene at any location within the Traditional Territory of the First Nation.
41. There is hereby established a legislative council to be called the First Nations Council composed of:
 - a) one Chief;
 - b) four Councillors at large;
 - c) one Elders Councillor; and
 - d) one Youth Councillor,all of who shall be elected through a democratic process.
42. Notwithstanding the provisions set out in this Constitution, the First Nations Council shall determine its own procedure, and any failure by the First Nations Council to adhere to or follow its own procedure shall not be reviewable by any court.
43. In determining its own procedures, pursuant to section 42, the First Nations Council shall set out the authority and responsibility of the Chief.
44. Unless otherwise directed by the General Assembly, the First Nations Council may convene at any location within the Traditional Territory of the First Nation.
45. The Chief and all Councillors shall be elected for a term not exceeding four years.

The First Nations Council

46. Each eligible voter shall have one (1) vote for the election of Chief and one (1) vote for each Councillor position including Elders and Youth Councillor whereby the total number of votes cast for Councillors shall not exceed six (6).
47. The quorum of the First Nations Council shall be four Councillors including the Chief or Deputy Chief.
48. Unanimous agreement shall be encouraged in the making of any decision and in the approval of any resolution by the First Nations Council and when such consensus cannot be attained, a decision or resolution shall require the approval of a majority of the Councillors who are present and voting.
49. The First Nations Council shall hold regular public meetings and shall hold special meetings at the call of the Chief or upon written request signed by three or more Councillors.
50. The First Nations Council shall appoint a Councillor to the position of Deputy Chief.
51. When the Chief is absent, the Deputy Chief shall perform the duties of the Chief and exercise such powers as the Chief.
52. Where the Chief is unable to fulfill the duties of his or her office as Chief, due to his or her resignation, incapacity or death, the First Nations Council shall appoint the Deputy Chief to the office of Chief.
53. Where the Deputy Chief is appointed Chief, pursuant to section 52, his or her appointment shall only be until such time as there is an election to select a new Chief.

First Nations Council Jurisdiction

54. The First Nations Council shall have the exclusive jurisdiction to:
 - a) enact, amend and enforce any and all legislation that is within the inherent and legislative jurisdiction of the First Nation;
 - b) fulfill mandates and direction set out by the General Assembly;
 - c) raise, invest, expend and borrow money;
 - d) approve all financial budgets and authorize all spending of funds held by the Government;
 - e) ensure up-to-date financial records and strict financial accountability in all aspects of Government business and administration;
 - f) fulfill any actions required of it by any treaties, land claims, agreements or any other contract entered into by the First Nation;
 - g) enter into agreements with other governments and organizations for the administration and implementation of the laws enacted by Government;
 - h) enter into treaties, land claim agreements, other agreements or any other contract with other governments, Corporation, persons or other organization;
 - i) establish a system of laws, regulations and a legislative process for the enactment of legislation; and
 - j) establish courts for the better administration of the laws of the First Nation.

Chief and Councillors

55. Unless otherwise set out in this Constitution, only Citizens who have reached the age of twenty-four shall be eligible to serve as a Councillor.
56. Only Citizens who have reached the age of sixteen and who have not passed the age of twenty-three before the day of election, shall be eligible to serve as Youth Councillor.
57. Only Citizens who are sixty years of age or older shall be eligible to serve as Elders Councillor.

58. Only Citizens who are thirty years of age or older on the date of the election, shall be eligible to serve as Chief.

Elders Senate

59. There is hereby established an Elders Senate composed of the Citizens who are sixty years of age or older.

60. (1) The purpose of the Elders Senate shall be to provide advice, assistance and recommendations to all other branches of the Government.

Emergency Powers

60. (2) If the First Nations Council becomes incapacitated or unable to exercise its duties under this Constitution, due to the resignation, incapacity or death of a councillor which prevents the First Nations Council from obtaining quorum, The Elders Council shall have the authority to appoint a citizen, for an interim period, to ensure that the requirements for quorum under section 47 are met such an appointment shall be until such time as an election can take place to fill the vacant position(s).

61. Unless otherwise directed by the General Assembly, the Elders Senate may convene at any location within the Traditional Territory of the First Nation.

62. Notwithstanding the provisions set out in this Constitution, the Elders Senate shall determine its own procedure, and any failure by the Elders Senate to adhere to or follow its own procedure shall not be reviewable by any court.

Youth Council

63. There is hereby established a Youth Council composed of the Citizens who are between and including the years of sixteen and twenty-three years of age.

64. The purpose of the Youth Council shall be to provide advice, assistance and recommendations to all other branches of the Government.

65. Unless otherwise directed by the General Assembly, the Youth Council may convene at any location within the Traditional Territory of the First Nation.

66. Notwithstanding the provisions set out in this Constitution, the Youth Council shall determine its own procedure, and any failure by the Youth Council to adhere to or follow its own procedure shall not be reviewable by any court.

PART 3

SETTLEMENT LAND

Settlement Land

67. There shall be no sale of any settlement lands.

68. Notwithstanding section 48, any transfer or exchange of Settlement Land shall be done in accordance with the following provisions:

- a) Any proposed leasing, trade, exchange or other granting of proprietary right other than absolute conveyance of settlement land shall require the approval of all Councillors holding office;
- b) Any proposed leasing, trade, exchange or other granting of proprietary right other than absolute conveyance of settlement land shall require fourteen days notice prior to the final approval by all Councillors; and
- c) At no time shall any proposed leasing, trade, exchange or other granting of proprietary right other than absolute conveyance of settlement land set out in (a) shall reduce or diminish the total quantum of Settlement Land held by the First Nation.

PART 4

REVENUE AND FINANCIAL ADMINISTRATION

Financial Accountability

69. All First Nation money and revenue over which the First Nations Council has the power of appropriation shall be held in a consolidated revenue fund.
70. The books, accounts, and all other relevant financial or monetary records of each branch of the Government, and of any agent or body accountable to any of the branches, shall be examined at least once each year by a licensed accountant; the audited financial statements shall be submitted to the next annual meeting of the General Assembly and shall be available for examination by any Citizen of the First Nation throughout the meeting.
71. The principal current financial and monetary records and reports pertaining to the activities and responsibilities of the Government shall be opened, upon reasonable notice being given, to inspection by any Citizen of the First Nation at the principal administrative offices of the Government.

PART 5

AMENDMENTS AND REVIEW

**Challenging and Quashing of
Laws**

72. Legislation of the First Nation may only be challenged in a court of competent jurisdiction.

Supreme Law

73. The Constitution of the First Nation is the supreme law of the First Nation and any First Nation law that is inconsistent with the provisions of this Constitution is, to the extent of the inconsistency, of no force or effect.

First Nations' Seal

74. The Government shall have a seal approved by the First Nations Council which shall be affixed by the Chief or other person authorized by the First Nations Council to any document required to be under seal.
75. Application of the seal to any statutory instrument or other legislative document shall be in and of itself proof of authenticity of that statutory instrument.

Amending Constitution

76. The General Assembly shall have the exclusive authority to amend this Constitution.
77. A statement of the purpose of any proposed amendment shall be included in the notice of the meeting in which it is considered or shall be provided to those attending the meeting at least sixty days prior to the commencement of the General Assembly at which it is to be considered.
78. Any amendment to the Constitution shall require the approval of seventy-five percent of those Citizens who are present and vote.

Ratification of Constitution

79. This Constitution shall be deemed ratified and given the force of law upon the affixing of the signatures of the Chief and all Councillors present at the General Assembly at which this Constitution was considered and approved.

Transitional Provisions

80. The General Assembly, upon the advice of the First Nations Council, shall have the power to approve transitional provisions as required from time to time, to facilitate Constitutional amendments.

This Constitution of the Champagne and Aishihik First Nations, as amended, was passed at a duly called General Assembly, this 23 day of July 2011, at Champagne, Yukon Territory

Chief

Deputy Chief

Elder Councillor

Councillor

Councillor

Councillor

Councillor

Youth Councillor

SCHEDULE A

PREAMBLE

Whereas the ancestors of the Champagne and Aishihik First Nations have occupied the lands now known as the south-west and central portions of the Yukon Territory and north-western British Columbia since time immemorial;

Whereas the Champagne and Aishihik First Nations consider the control of citizenship to be their fundamental duty and responsibility;

Therefore the General Assembly of the Champagne and Aishihik First Nations adopts the following Citizenship Code:

DEFINITIONS

In this Citizenship Code:

“Citizen” means a person whose name is on the Citizenship List;

“Citizenship List” means the list of Citizens which is maintained by the Government;

“First Nations Council” means the Chief and four Councillors at large, one Elders Councillor and one Youth Councillor;

“Registrar” means the officer of the First Nations government who is responsible for maintaining the Citizenship List.

CITIZENSHIP

1. Subject to sections 3 and 5, the following persons shall be deemed to be Citizens:

- a) Any person whose name appears on the Citizenship List held by the Registrar as of July 21, 2000;
- b) Any person who is a beneficiary of a Champagne and Aishihik First Nations Land Claim Agreement or Treaty; and
- c) Any person who is deemed by the First Nations Council to be a Citizen.

NON-ENTITLEMENT

2. A person is not entitled to be enrolled as a Citizen if that person is a citizen or registered member of another First Nation in Canada.

JURISDICTION OF THE FIRST NATIONS COUNCIL

3. The First Nations Council shall have the sole jurisdiction in the determination of citizenship and any procedural and legislative matters in relation to citizenship under this Schedule.

FIRST NATIONS ALLEGIANCE

4. Every new Citizen, after July 21, 2000, must pledge an appropriate Oath of Allegiance to the First Nations, which shall be administered by the Elders Senate.

TERMINATION OF CITIZENSHIP

5. Any Citizen may terminate his or her citizenship upon written application to the First Nations Council.