

*Dii sah nàét'à*

*Dii deh n̄l̄l̄*

*Dii ndè nàgoèd̄o-le n̄dè*

*Asii ts'àngoèt'ò h̄l̄l̄ ha nele*

Chief Monfwi - 1921

## Preamble

We are the Tłıchǫ. We are an Aboriginal people of Canada. We are a people of the North.

We follow in the footsteps of our ancestors and acknowledge our Elders as the keepers of our living memory, self-determination, values and way of life.

We honour and respect the truth of our traditional knowledge and oral history.

We affirm our relationship with God and respect the inter-connection of all living things. We acknowledge our responsibility to serve for all time as custodians of our lands, including our waters and resources.

We have respect for individual rights and freedoms and believe that they go hand in hand with the responsibility to preserve and protect the Tłıchǫ. We acknowledge our collective responsibility for honouring Treaties and agreements.

We respect our officials and elected leaders and expect them to act in accordance with traditional standards for leadership. We expect them to have a strong voice and character, to be good role models and to speak with knowledge of what it means to be a Tłıchǫ.

We value co-operation, healing, harmony and self-sufficiency. We believe that our ability to maintain harmony and self-sufficiency often comes from knowledge of our history, culture and language.

The Tłıchǫ have always gathered together from time to time. In 1921, under Monfwi, we entered into an agreement with Canada known as Treaty 11. At this time, Monfwi outlined our traditional area where we exercise our Aboriginal and Treaty rights. We call this traditional area the Mǫwhì Gogha Dè Nııtt'èe and we have lived here since time immemorial. The words expressed by Monfwi at the signing of Treaty 11 are sacred to the Tłıchǫ.

The Tłıchǫ gathered together in assembly on the 13th day of August in the year 2000, and approved this Constitution, which after approval by the Dogrib Treaty 11 Council, will come into full force and effect on the Effective Date of the Tłıchǫ Agreement.

## **1.0 The Tłıchǫ Nation**

- 1.1 The Tłıchǫ Nation is one united Aboriginal People. The Tłıchǫ Nation is indissoluble. This sub-section is not subject to amendment.
- 1.2 The Tłıchǫ Nation is composed of four communities – Behchokò (Rae-Edzo), Whatì (Lac La Martre), Gamètì (Rae Lakes) and Wekweètì (Snare Lake). Each community is a unique and valued part of the Tłıchǫ Nation.
- 1.3 The official languages of the Tłıchǫ Nation are Tłıchǫ and English. All Tłıchǫ have the right to speak and communicate in both official languages with the Tłıchǫ Government and its institutions.

## 2.0 Purpose of Tłı̨chǫ Government

2.1 The purpose of the Tłı̨chǫ Government and its institutions is to act in the best interest of the Tłı̨chǫ and to respect all laws including Tłı̨chǫ laws, by among other things, acting to preserve, protect and promote our Aboriginal and Treaty rights and way of life - including our culture, language, heritage, lands, economy and resources - for all Tłı̨chǫ today and for future generations to come for as long as the land shall last.

2.2 The following limits on the authority of the Tłı̨chǫ Government and its institutions are established in order to secure the well-being of Tłı̨chǫ for all time:

- (a) except as provided for in the Tłı̨chǫ Agreement, the Tłı̨chǫ Government and its institutions shall not directly or indirectly cede, release, surrender, or extinguish any Aboriginal or treaty right, title or interest of the Tłı̨chǫ including rights, title or interest in Tłı̨chǫ lands;

- (b) compensation funds pursuant to the Tłı̨chǫ Agreement shall be managed as a perpetual endowment for the benefit of all Tłı̨chǫ. The Tłı̨chǫ Government and its institutions shall not directly or indirectly distribute or disburse or offer up as a security the principal amount of that endowment or the portion of investment income required to maintain its constant value after inflation.

2.3 The Canadian Charter of Rights and Freedoms applies to the Tłı̨chǫ Government and its institutions in respect of all matters within its authority. The Tłı̨chǫ Government and its institutions shall safeguard individual rights and freedoms consistent with its responsibilities in 2.1.

### **3.0 The Tłıchǫ Constitution, the Tłıchǫ Agreement and Tłıchǫ Laws**

- 3.1 This Constitution is the Tłıchǫ Nation's highest law.
- 3.2 All Tłıchǫ laws and the application of such laws shall be consistent with this Constitution, and if inconsistent, are of no force and effect to the extent of the inconsistency.
- 3.3 All actions and decisions by the Tłıchǫ Government and its institutions, shall be consistent with this Constitution, and if inconsistent, are of no force and effect to the extent of the inconsistency.

### **4.0 Tłıchǫ Citizens**

- 4.1 All matters concerning Tłıchǫ citizenship, including the definition of Tłıchǫ Citizens, are within the exclusive jurisdiction of the Tłıchǫ Government and shall be determined consistently with the Tłıchǫ Agreement and this Constitution.
- 4.2 The Tłıchǫ Assembly may propose a motion to the Annual Gathering setting out the criteria for a person to be accepted as a Tłıchǫ Citizen.

## 5.0 Tłıchǫ Government Accountability

5.1 Tłıchǫ Government and its institutions are accountable to the Tłıchǫ as required by Tłıchǫ laws. Everyone who has the authority to spend or receive Tłıchǫ Government moneys, including transfer payments, shall present an annual financial report to the Annual Gathering.

5.2 Tłıchǫ Government and its institutions shall exercise all powers and authority consistent with this Constitution and shall:

- (a) act with respect and fairness and without discrimination or abuse;
- (b) strive for representation of each Tłıchǫ community in important decisions;
- (c) strive for consensus in making decisions;
- (d) allow for the full and free expression and participation of all Tłıchǫ;
- (e) protect our lands, waters and resources including the conservation and enhancement of all living things; and

- (f) subject to (e), recognize and respect the needs and interests of other Aboriginal peoples, our non-aboriginal neighbours and their governments.

## 6.0 Tłıchq Government

6.1 Tłıchq Government is composed of the following institutions:

1. Annual Gathering
2. Tłıchq Assembly
3. Chiefs Executive Council

## 7.0 The Annual Gathering

7.1 The Tłıchq Assembly shall convene an Annual Gathering of the Tłıchq, which shall be held on a rotation basis in each Tłıchq community. The purpose of the Annual Gathering is to bring people together to share in the social, political and cultural activities of the Tłıchq. Among other things, the following matters shall be attended to at the Annual Gathering:

- (a) an open forum shall be held where Tłıchq Citizens may ask questions, make recommendations and provide broad policy directions to the Tłıchq Assembly;
- (b) nominations for the Grand Chief shall be announced in the year of an election;
- (c) annual reports including financial reports on the activities of Tłıchq Government and its institutions shall be presented;

- (d) debate, consideration and approval of proposed amendments to the Tłıchq Agreement or to this Constitution; and
- (e) consider approval of motions from the Tłıchq Assembly.

7.2 The Tłıchq Assembly may convene other gatherings of the Tłıchq as necessary.

## **8.0 The Tłıchq Assembly**

8.1 The Tłıchq Assembly has the responsibility and authority to implement the Tłıchq Agreement and to protect and ensure good government of the Tłıchq Government and its rights, titles and interests. The Tłıchq Assembly may enact Tłıchq laws for these purposes and in relation to all matters for which the Tłıchq Government has authority pursuant to the Tłıchq inherent right of self-government and the Tłıchq Agreement.

8.2 The Tłıchq Assembly shall be formed on the principle of equal representation from each Tłıchq community and shall include the following:

- (a) the Grand Chief;
- (b) the Chief of each Tłıchq community; and
- (c) at least two (2) councillors from each Tłıchq community.



- 8.3 Each member of the Tłıchǫ Assembly is responsible to attend meetings of the Tłıchǫ Assembly and Chiefs Executive Council as required, to act in the best interest of the Tłıchǫ, to represent and inform his or her community about issues affecting the Tłıchǫ and to relate various Tłıchǫ community concerns to the Assembly.
- 8.4 The Speaker has the responsibility to chair all sessions of the Tłıchǫ Assembly. The Speaker shall hold office at the pleasure of the Tłıchǫ Assembly.
- 8.5 Subject to Tłıchǫ laws and the Tłıchǫ Agreement, the Tłıchǫ Assembly may take actions required to carry out its responsibilities including the following:
- (a) authorize individuals, entities and institutions to perform particular functions;
  - (b) authorize the collection or expenditure of funds;

- (c) review the performance of individuals, entities and institutions;
- (d) enter into and ratify contracts or agreements;
- (e) acquire and hold property, including real property, or any interest therein, sell or otherwise dispose of property or any interest therein;
- (f) raise, invest, expend and borrow money;
- (g) sue or be sued;
- (h) form corporations or any other legal entities;
- (i) enact or amend Tłıchǫ laws;
- (j) appoint persons to inquire into and report upon particular matters;
- (k) create new offices, entities and institutions;
- (l) make recommendations to Tłıchǫ communities;
- (m) provide for the appointment, duties, remuneration, tenure and termination of officers, employees, servants and agents;

- (n) propose motions for consideration by the Annual Gathering;
- (o) hold a referendum or plebiscite on an issue of importance to the Tłıchq;
- (p) develop Tłıchq Rules of Order and any ceremonial procedures which will become the procedural rules and ceremonies to guide proceedings for the Tłıchq Government; and
- (q) do such other things and take such other steps conducive to the exercise of its rights, powers and privileges and to give effect to Tłıchq laws and Tłıchq Agreement.
- 8.6 The Tłıchq Assembly shall meet at least five (5) times per year and may convene other meetings as necessary. One meeting of the Tłıchq Assembly shall be convened during the Annual Gathering. The Tłıchq Assembly shall give ten (10) days notice for all meetings and such notice shall be made public.
- 8.7 Unless the Tłıchq Assembly decides otherwise, Tłıchq Citizens and the public may attend all meetings of the Tłıchq Assembly.
- 8.8 The Tłıchq Assembly shall make decisions by open votes. The Tłıchq Assembly shall strive to make decisions by consensus. When consensus cannot be achieved, decisions may be made by majority vote of those present.
- 8.9 Subject to sub-section 12.1, a quorum for the Tłıchq Assembly shall be nine (9) elected members, one of whom shall be the Grand Chief.
- 8.10 At least once per year the Tłıchq Assembly shall publish the minutes of Tłıchq Assembly meetings and reports on the activities, including financial matters, of the Tłıchq Government and its institutions. These minutes and reports shall be made available to each Tłıchq community, and on request to any Tłıchq Citizen.

## 9.0 Chiefs Executive Council

9.1 The members of the Chiefs Executive Council shall be the Grand Chief and the Chief of each Tłıchǫ community. The Chiefs Executive Council, among other things, shall:

- (a) take direction from and report regularly to the Tłıchǫ Assembly;
- (b) arrange for the implementation of Tłıchǫ laws;
- (c) oversee the management and administration of the affairs of the Tłıchǫ Assembly; and
- (d) take such actions as are necessary to ensure implementation of good government of the Tłıchǫ.

9.2 The Chiefs Executive Council may convene meetings as necessary and shall strive to make decisions by consensus. The Chiefs Executive Council may, when consensus cannot be achieved, make decisions by majority vote of those present. A quorum for

the Chiefs Executive Council is four (4) and subject to sub-section 12.1, includes the Grand Chief.

## 10.0 The Grand Chief

- 10.1 The Grand Chief is the successor to Monfwi and, among other things, is responsible to provide overall political leadership for the Tłıchq Nation. The Grand Chief may not simultaneously hold the office of Chief in a Tłıchq community.
- 10.2 The Grand Chief shall take appropriate actions to achieve the purposes of the Tłıchq Government including the following:
- (a) act as principal spokesperson and representative of the Tłıchq Nation;
  - (b) encourage the resolution of internal disputes and conflicts within the Tłıchq; and
  - (c) promote the fundamental principles in this Constitution.

## 11.0 Elections

- 11.1 Candidates for the office of Grand Chief must be Tłıchq Citizens who are at least twenty-five (25) years of age on the day before the day of the election and resident, except for absence due to medical, incarceration, education or similar reasons, in a Tłıchq community or on Tłıchq land for at least two (2) years immediately preceding the vote.
- 11.2 Tłıchq Citizens shall nominate and announce at the Annual Gathering in the year of the election, the name of those candidates who have accepted nomination for Grand Chief. Elections for the Grand Chief shall be held in the month of September every four (4) years. The term of office is four (4) years.
- 11.3 Any Tłıchq Citizen who on the day before election day, is at least eighteen (18) years of age and resident, except for absence due to medical, incarceration, education or similar reasons, in the Mowhì Gogha Dè Nıttı'èe for

two (2) years immediately preceding the vote, is eligible to vote for Grand Chief.

- 11.4 The Chief and Council in each Tłıchq community shall select at least two (2) councillors to represent that Tłıchq community on the Tłıchq Assembly.
- 11.5 The Speaker shall be appointed by the Tłıchq Assembly from among the Tłıchq Citizens who are not members of the Tłıchq Assembly.
- 11.6 Subject to 11.1 and 11.5 of this Constitution and other applicable laws, a person who is not a Tłıchq Citizen may be appointed or elected as a member of Tłıchq Government and its institutions.

## 12.0 Replacing Elected Members

- 12.1 If the Grand Chief cannot continue in office, or misses two (2) consecutive meetings of the Chiefs Executive Council or the Tłıchq Assembly without reasonable excuse, at least nine (9) members of the Tłıchq Assembly without the Grand Chief, may appoint an acting Grand Chief at a duly called meeting.

The acting Grand Chief shall be selected from among the elected members of the Tłıchq Assembly other than the Chiefs, and shall fulfil the position of Grand Chief at the pleasure of the Tłıchq Assembly, or until the Grand Chief is able to resume office.

- 12.2 If a member of the Tłıchq Assembly is unable to continue in office, or misses two (2) consecutive meetings of the Tłıchq Assembly, or Chiefs Executive Council without reasonable excuse, the Chief and Council in the Tłıchq community which that member represents may appoint an acting member of the Assembly from among the councillors in

that Tłıchq community, who shall assume the office at the pleasure of the Chief and Council of the community, or until the member is able to resume office.

- 12.3 The Speaker may only be removed on a motion approved by two-thirds (2/3) of the Tłıchq Assembly. If the Speaker is removed from office or is otherwise unable to continue, the Tłıchq Assembly may appoint an acting Speaker from among Tłıchq Citizens who are not members of the Tłıchq Assembly.

### **13.0 Challenging a Tłıchq Law**

- 13.1 Any person directly affected by a Tłıchq law may challenge its validity. The body with jurisdiction to decide such a challenge has the jurisdiction to quash or limit the application of the Tłıchq law that is subject to the challenge.
- 13.2 The Tłıchq Assembly may enact one or more laws to provide for challenges to the validity of Tłıchq laws.
- 13.3 In the absence of a Tłıchq law providing for a challenge to the validity of a Tłıchq law, such a challenge shall be by way of an appeal to the Tłıchq Assembly.
- 13.4 A decision or order of a body dealing with a challenge to the validity of a Tłıchq law, on a matter in respect of which that body has jurisdiction pursuant to Tłıchq law, is final and conclusive and is not open to question or review in a court on any grounds.

13.5 A challenge to the validity of a Tłıchq law shall not be considered by any court or tribunal until the exhaustion of all such challenges pursuant to Tłıchq law.

#### **14.0 Challenging an Action or Decision of Tłıchq Government**

14.1 A person directly affected by a decision or action of Tłıchq Government or its institutions may appeal that decision or action.

14.2 The Tłıchq Assembly may enact one or more laws to provide for appeals of decisions or actions of Tłıchq Government or its institutions.

14.3 In the absence of a Tłıchq law providing for the appeal of a decision or action of Tłıchq Government or its institutions, such an appeal shall be to the Tłıchq Government, body, or institution that authorized the decision or action complained of. In such an appeal, that body or institution shall review all aspects of the decision or action, and shall authorize the decision or the action it considers would have been proper at first instance. If the decision or action complained of was originally

authorized by a body other than the Tłıchq Assembly, a further and final appeal lies to the Tłıchq Assembly.

- 14.4 A decision or order of a body dealing with an appeal of a decision or action of Tłıchq Government or its institutions on a matter in respect of which that body has jurisdiction pursuant to Tłıchq law, is final and conclusive and is not open to question or review in a court on any grounds.
- 14.5 An appeal of a decision or action of Tłıchq Government or its institutions shall not be considered by any court or tribunal until the exhaustion of all such appeals pursuant to Tłıchq law.

## **15.0 Amending the Constitution**

- 15.1 Unless otherwise provided in this Constitution, proposals for amendments to the Constitution shall follow the amendment process set out in this section of the Constitution.
- 15.2 Subject to sub-section 1.1, this Constitution may be amended in one of the following three ways:
- (a) amendments that are determined to be minor shall follow the process set out in 15.3;
  - (b) amendments that are determined to be major shall follow the process set out in 15.4; and
  - (c) an amendment process for expressly identified sections of the Constitution shall follow the process set out in 15.5.

The Tłıchq Assembly shall determine whether a proposed amendment is a minor amendment to the Constitution.



All amendments not determined to be minor amendments or those expressly identified in 15.5 are major amendments.

15.3 A proposal for a minor amendment must be approved by one (1) Annual Gathering before it can be passed by the Tłıchq Assembly.

15.4 A proposal for a major amendment must be approved by two (2) consecutive Annual Gatherings.

Following approval by the second Annual Gathering, the proposed amendment must be approved by a ratification vote by eligible Tłıchq Citizens before it can be passed by the Tłıchq Assembly.

15.5 Section 1.2 may be amended only by adding a Tłıchq community.

A proposal for an amendment to sub-sections 1.2 and 1.3 shall be presented by the Tłıchq

Assembly for review, discussion and recommendation, at three (3) consecutive Annual Gatherings.

Following approval by the third Annual Gathering, the proposed amendment must be approved by a ratification vote by eligible Tłıchq Citizens before it can be passed by the Tłıchq Assembly.

15.6 Procedures for approvals of amendments at an Annual Gathering, and ratification votes for amendments shall be determined by the Tłıchq Assembly. A proposed amendment must be ratified by a vote of at least 60 per cent of eligible Tłıchq Citizens who participate in that ratification vote.

15.7 A proposed amendment shall be published and posted in each Tłıchq community at least thirty (30) days prior to each Annual Gathering at which the amendment will be reviewed and discussed.

## 16.0 Amending the Tłıchǫ Agreement

- 16.1 The Tłıchǫ Agreement may only be amended in accordance with the terms of that Agreement and, where required, with the consent of the Tłıchǫ Government, the Government of the Northwest Territories and the Government of Canada as provided for in the Tłıchǫ Agreement.
- 16.2 The consent of the Tłıchǫ Government referred to in 16.1 shall be obtained in the following way:
- (a) in the case of an amendment to part 1 of the appendix to Chapter 1, of an amendment under 9.1.5, 9.1.6, 9.6.2, 18.1.4, 18.1.6, 18.3.2 or of an amendment to 19.8 or to the appendix to Chapter 19 of the Tłıchǫ Agreement, the consent of the Chiefs Executive Council; and
  - (b) in the case of all other amendments to the Tłıchǫ Agreement, consent shall be

obtained by way of a motion from the Tłıchǫ Assembly and shall be presented for review, discussion and recommendation at two (2) consecutive Annual Gatherings. Following approval by the second Annual Gathering, the proposed amendment must be approved by a ratification vote by eligible Tłıchǫ Citizens.

- 16.3 A proposed amendment shall be published and posted in each Tłıchǫ community at least thirty (30) days prior to each Annual Gathering at which the amendment will be reviewed and discussed.
- 16.4 The process for such a ratification vote by eligible Tłıchǫ Citizens shall be determined by the Tłıchǫ Assembly. A proposed amendment must be ratified by a vote of at least 60 per cent of Tłıchǫ who participate in that ratification vote.

**17.0 Effective Date**

- 17.1 On Effective Date, the Executive of the Dogrib Treaty 11 Council that is in office immediately before that date becomes the Chiefs Executive Council of the Tłıchǫ Government until replaced in accordance with this Constitution.

**18.0 Interpreting the Tłıchǫ Constitution**

- 18.1 Tłıchǫ oral traditions may be used to interpret this Constitution.

## 19.0 Definitions

19.1 The following definitions apply to this Constitution:

“Tłıchq Agreement” means the final Tłıchq comprehensive land claim and self-government agreement.

“Tłıchq Government and its institutions” or “Tłıchq Government or its institutions” means the Tłıchq Government as a whole and includes the Tłıchq Assembly, Chiefs Executive Council, corporations, institutions or other bodies or entities owned or controlled or established directly or indirectly by the Tłıchq Government, and all persons, entities, offices and officials, servants, employees or agents acting in an official capacity or established or granted powers and authorities by the Tłıchq Government or by this Constitution.

“Effective Date” means the date on which the Tłıchq Agreement comes into force.

