



**VUNTUT GWITCHIN FIRST NATION
CONSTITUTION**

Ratified by the Vuntut Gwitchin First Nation General Assembly: 1992

Last amended by the Vuntut Gwitchin First Nation General Assembly: August 10, 2019

TABLE OF CONTENTS

PREAMBLE..... 1

DEFINITIONS..... 1

ARTICLE I – OBJECTS..... 3

ARTICLE II – VUNTUT GWITCHIN FIRST NATION AUTHORITY/LOCATION 4

ARTICLE III – CITIZENSHIP..... 4

ARTICLE IV – RIGHTS OF CITIZENS..... 5

ARTICLE V – ORGANIZATION OF THE VUNTUT GWITCHIN FIRST NATION GOVERNMENT..... 7

ARTICLE VI – VUNTUT GWITCHIN FIRST NATION GENERAL ASSEMBLY 7

ARTICLE VII – ELDERS COUNCIL..... 8

ARTICLE VIII – COUNCIL 9

ARTICLE IX – COUNCIL DUTIES AND POWERS..... 10

ARTICLE X – CHIEF AND DEPUTY CHIEF 10

ARTICLE XI – TERMS OF OFFICE AND QUALIFICATIONS..... 11

ARTICLE XII – REVIEW COUNCIL..... 12

ARTICLE XIII – YOUTH COUNCIL..... 12

ARTICLE XIV – VACANCIES AND REMOVAL FROM OFFICE..... 13

ARTICLE XV – VUNTUT GWITCHIN COURT 14

ARTICLE XVI – FINANCIAL ADMINISTRATION..... 14

ARTICLE XVII – THE SEAL..... 15

ARTICLE XVIII – AMENDMENTS TO CONSTITUTION..... 15

ARTICLE XIX – TRANSITION 16

ARTICLE XX – RATIFICATION OF THIS CONSTITUTION 16

ARTICLE XXI – CHALLENGING AND QUASHING OF LAWS 16

ARTICLE XXII – OTHER INTERPRETATION 17

SCHEDULE I: VUNTUT GWITCHIN FIRST NATION CITIZENSHIP CODE 18

SCHEDULE II: OATH OF OFFICE..... 23

PREAMBLE

We, the Vuntut Gwitchin First Nation of the North Yukon, having boundless pride in our ancient cultural heritage and ancestral homeland and desiring to exercise our inherent right of self-government to exercise responsibility for the general welfare of our Citizens and to provide for the good government of our communities, lands and resources, hereby adopt this Constitution.

DEFINITIONS

1. In this Constitution:

"Canada" means, unless the context otherwise requires, Her Majesty the Queen in right of Canada;

"Chief" means the leader of Vuntut Gwitchin First Nation chosen as a result of a duly held election;

"Child" means a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with the accepted custom of the Vuntut Gwitchin First Nation;

"Citizen" means a person whose name is on the First Nation Citizenship List;

"Council" means the Council of the Vuntut Gwitchin First Nation as chosen as a result of a duly held election;

"Councillor" means either the Deputy Chief or Councillor as chosen as a result of a duly held election;

"Elder" means a Citizen who is sixty years of age;

"Elders Council Member" means a Citizen who is sixty years of age or older and who chooses to be a member of the Elders Council;

"Elector" means a person who is on the First Nation Citizenship List, who is 18 years of age or older and who is not disqualified from voting;

"First Nation" means the Vuntut Gwitchin First Nation;

"First Nation Citizenship List" means the list of Citizens that is maintained by the Vuntut Gwitchin First Nation;

"Generally Accepted Accounting Principles" means the accounting principles generally accepted in Canada as amended from time to time, as applicable pursuant to the public sector accounting standards established by the Public Sector Accounting Standards Board of the Canadian Institute of Chartered Accountants or its successor;

"General Assembly" a governing body composed of eligible Citizens that provides direction to Chief and Council;

"General Election" means a regularly scheduled election held in accordance with Vuntut Gwitchin Laws, in which all Citizens who are at least 18 years old are entitled to vote;

"Governing Body" means a body established under the Constitution, which includes the General Assembly, Vuntut Gwitchin First Nation Court, Elders Council, and Council;

"Non-Settlement Land" means all land and water in the Yukon other than Settlement Land and includes Mines and Minerals in Category B Settlement Land and Fee Simple Settlement Land, other than Specified Substances as defined in the Umbrella Final Agreement;

"Public Institution" means a Vuntut Gwitchin Government body, board, commission, corporation, organization or tribunal established under Vuntut Gwitchin Law;

"Resident" means a person who the majority of the time, regularly lives on Vuntut Gwitchin Settlement Land but who may or may not be a Citizen of Vuntut Gwitchin;

"Review Council" means the body responsible for:

- (a) recounts in an election;
- (b) serving as the Citizenship/Enrollment Committee;
- (c) receiving complaints about Chief and Council;
- (d) where necessary, removal from office; and
- (e) when necessary, appointments of interim Councillor.

"Settlement Land" means Category A Settlement Land, Category B Settlement Land or Fee Simple Settlement Land, as defined in the Umbrella Final Agreement;

"Traditional Territory" means, subject to a Yukon First Nation Final Agreement, with respect to each Yukon First Nation and each Yukon Indigenous Person enrolled in that Yukon First Nation's Final Agreement, the geographic area within the Yukon identified as that Yukon First Nation's Traditional Territory on the map referred to in 2.9.0 in the Umbrella Final Agreement;

"Umbrella Final Agreement" means the 1993 agreement signed between Canada, Yukon and Council of Yukon First Nations;

"Vuntut Gwitchin Court" means a court established under Vuntut Gwitchin legislation;

"Vuntut Gwitchin Laws" includes this Constitution and any law passed in accordance with the procedure set out in the Governance Act or relevant legislation;

"Vuntut Gwitchin First Nation" means the collectivity of Citizens who share the language, culture, and laws of the Vuntut Gwitchin, and their descendants;

"Vuntut Gwitchin Nation Fiscal Financing Agreement" means a fiscal financing agreement within the meaning of that term in the Umbrella Final Agreement;

"Vuntut Gwitchin Government" means both the elected and administrative bodies forming the government of the Vuntut Gwitchin First Nation;

"Vuntut Gwitchin Settlement Trust" means a Vuntut Gwitchin First Nation settlement trust within the meaning of that term in the Umbrella Final Agreement;

"Youth Council" means the collective of eligible youth of Vuntut Gwitchin First Nation;

"Youth Representatives" means the eligible youth chosen to represent the Youth Council;

"Yukon" means, unless the context otherwise requires, Her Majesty the Queen in right of Yukon; and

"Yukon First Nation Final Agreement" means a land claims agreement for a Yukon First Nation that includes provisions specific to that Yukon First Nation and incorporates the provisions of the Umbrella Final Agreement.

ARTICLE I – OBJECTS

1. The objects of the Vuntut Gwitchin First Nation are to:
 - (a) have authority in respect of communities and lands of the Vuntut Gwitchin First Nation and the occupants thereof as prescribed in the Vuntut Gwitchin First Nation Final Agreement;
 - (b) promote and enhance the general welfare of the Vuntut Gwitchin First Nation;
 - (c) promote, enhance and protect the history, culture, values, traditions and rights of the Vuntut Gwitchin First Nation;
 - (d) promote respect for the ancestral homeland of the Vuntut Gwitchin First Nation including the natural resources thereof;
 - (e) use, manage, administer and regulate the lands of the Vuntut Gwitchin First Nation including the natural resources thereof;
 - (f) control the disposition of rights and interests in and to the traditional lands and resources for the Vuntut Gwitchin First Nation;

- (g) use, manage and administer the money and other assets of the Vuntut Gwitchin First Nation, including any and all benefits to be realized by the Vuntut Gwitchin First Nation from the settlement of the land claims of the Vuntut Gwitchin;
- (h) promote and carry out community development and charitable works for the benefit of the Vuntut Gwitchin First Nation;
- (i) ensure that the Vuntut Gwitchin First Nation meets its obligations and discharges its responsibilities under this Constitution, its laws, the Vuntut Gwitchin First Nation Final Agreement, the Vuntut Gwitchin First Nation Self-Government Agreement and agreements ancillary thereto;
- (j) maintain a registry of Citizens; and
- (k) do such other things related to the foregoing as may be conducive to the general welfare and good government of the Vuntut Gwitchin First Nation.

ARTICLE II – VUNTUT GWITCHIN FIRST NATION AUTHORITY/LOCATION

1. Subject to the terms of the Vuntut Gwitchin Final Agreement and the Vuntut Gwitchin Self-Government Agreement, the operations and authority of the Vuntut Gwitchin First Nation shall extend to and over all land and resources, all Citizens, all occupants of Settlement Land and all matters within the jurisdiction of the Vuntut Gwitchin First Nation, and to the collective rights and interests of Citizens.
2. The seat of government for the Vuntut Gwitchin First Nation shall be located within Settlement Land as advised by the General Assembly.
3. This Constitution is the supreme law of the Vuntut Gwitchin First Nation, subject only to the:
 - (a) Vuntut Gwitchin First Nation Self-Government Agreement; and
 - (b) rights and freedoms set out in this Constitution.
4. In the event of an inconsistency or conflict between this Constitution and the provisions of any Vuntut Gwitchin Law, the Vuntut Gwitchin Law is, to the extent of the inconsistency or conflict, of no force or effect.
5. The validity of a Vuntut Gwitchin Law may be challenged in the Supreme Court of Yukon Territory until the Vuntut Gwitchin Court is established.

ARTICLE III – CITIZENSHIP

1. Citizenship shall be determined by the Citizenship Code of the Vuntut Gwitchin First Nation through the authority of the Review Council.

2. Every eligible person residing on or off Settlement Land can apply to be a Citizen in accordance with Vuntut Gwitchin Law.

ARTICLE IV – RIGHTS OF CITIZENS

1. The Constitution hereby guarantees the rights and freedoms hereinafter set out subject only to such reasonable limits as can be demonstrably justified in a free and democratic Vuntut Gwitchin society.
2. Every Citizen has the right to enter, remain in and leave Vuntut Gwitchin Lands in accordance with Vuntut Gwitchin Law.
3. Every Citizen has the right to make political choices, to participate in political activities, and to express a view on any public issue.
4. Subject to residency and other requirements set out in Vuntut Gwitchin Law, every Citizen who is at least 18 years of age is eligible to vote in Vuntut Gwitchin First Nation elections and to hold office in Vuntut Gwitchin Government.
5. Chief and Council must make laws in respect of Vuntut Gwitchin First Nation elections and referenda, including the establishment of:
 - (a) qualifications of voters;
 - (b) qualifications of candidates for election to office;
 - (c) an independent officer to administer elections and referenda;
 - (d) procedures for the conduct of elections and referenda; and
 - (e) areas or locations within which elections or referenda will be held.
6. Every Citizen has the following fundamental freedoms:
 - (a) freedom of conscience and religion;
 - (b) freedom of thought, belief or opinion and expression;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.
7. Every individual is equal before and under the laws of the Vuntut Gwitchin First Nation and has the right to the equal protection and equal benefit of Vuntut Gwitchin First Nation law without discrimination.
8. Every Citizen has the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice.

9. Every Citizen has the right to be secure against unreasonable search and seizure.
10. Every Citizen has the right not to be arbitrarily detained or imprisoned.
11. Any person charged with an offence contrary to a validly existing Vuntut Gwitchin First Nation law has the right:
 - (a) to be informed without unreasonable delay of the specific offence;
 - (b) to be tried within a reasonable time;
 - (c) not to be called as a witness in proceedings against the person in respect of the offence;
 - (d) to be presumed innocent until proven guilty according to Vuntut Gwitchin First Nation law and to a fair and public hearing before an independent and impartial justice tribunal;
 - (e) not to be denied reasonable bail without just cause; and
 - (f) if finally acquitted of the offence, not to be tried for it again and if finally found guilty and punished for the offence and if the punishment of the offence has been varied from time of the commission and the time of sentencing, to have the benefit of the lesser punishment.
12. Every Citizen has the right not to be subjected to any cruel or unusual treatment or punishment.
13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so, given to be subsequently given against that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.
14. Any part or witness to any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf, has the right to the assistance of an interpreter.
15. Gwich'in is the official language of the Vuntut Gwitchin First Nation.
16. Everyone has the right to use the Gwich'in or English in any debates or other proceedings of the General Assembly or Council.
17. The laws, records and journals of the Vuntut Gwitchin First Nation shall be printed and published in English and may be translated into Gwich'in language.
18. Either the Gwich'in language or English may be used by any person in any pleading issuing to any Court or published by the Vuntut Gwitchin Council within the Vuntut Gwitchin First Nation Traditional Territory.

19. Anyone whose rights or freedoms as guaranteed by this Constitution have been infringed upon or denied may apply to the Vuntut Gwitchin Court to obtain such remedy as the Court considers appropriate and just in the circumstances. Until a Court is established, any such person may also apply to any other court of competent jurisdiction.
20. (a) Every Citizen shall have reasonable access to information about him or her (and his or her minor children) personally which has been provided to or obtained by the Vuntut Gwitchin First Nation and which is within the possession or control of the Vuntut Gwitchin First Nation.

(b) The Vuntut Gwitchin First Nation may keep and use such personal information as any person may provide to it or as it may otherwise obtain in connection with the enrollment of that person as a beneficiary of the Vuntut Gwitchin Final Agreement or as a Citizen of the Vuntut Gwitchin First Nation, or in connection with the access to or the provision of any program, service or benefit, or the application of any law, of the Vuntut Gwitchin First Nation by or to that person, provided that such information shall be kept protected by such security safeguards as are appropriate to its sensitivity.

ARTICLE V – ORGANIZATION OF THE VUNTUT GWITCHIN FIRST NATION GOVERNMENT

1. The Vuntut Gwitchin First Nation government shall have four branches: the General Assembly, the Elders Council, the Council and the Vuntut Gwitchin Court. A branch of the government shall not exercise the powers of another branch, except as this Constitution may permit.
2. The Elders Council, General Assembly, Chief and Council shall be guided by the Code of Conduct established for the Vuntut Gwitchin Government.
3. Elected officials of the Vuntut Gwitchin Government shall abide by the Oath of Office that is appended as Schedule II to this Constitution.

ARTICLE VI – VUNTUT GWITCHIN FIRST NATION GENERAL ASSEMBLY

1. There shall be a General Assembly composed of the Citizens of the Vuntut Gwitchin First Nation. The powers, duties and responsibilities of the General Assembly shall include:
 - (a) consideration and approval of proposals and reports received from the Council;
 - (b) consideration and review of proposals, legislation and financial reports received from Council;
 - (c) consideration and approval of Elders Council proposals;
 - (d) amending this Constitution; and

- (e) providing direction to Chief and Council through General Assembly resolutions.
2. A meeting of the General Assembly shall be held each year during a date in the month of August and special meetings of the General Assembly may be held at the call of the Council at any other time:
- (a) a notice of a meeting of the General Assembly with the proposed agenda shall be posted throughout the community of Old Crow and to Citizens not residing on Settlement Land with no less than two weeks' notice. Notice shall be given through electronic media;
 - (b) a notice of a meeting of the General Assembly with the proposed agenda shall be posted throughout the community of Old Crow and such notice shall be given no less than two weeks before the meeting. Notice of any meeting of the General Assembly shall be given through print and the electronic media and such notice shall allow sufficient time to make arrangements to permit the members to be present;
 - (c) the quorum for a General Assembly shall be 25 members present and eligible to vote in the General Assembly;
 - (d) the Chair of the General Assembly shall be chosen by the General Assembly Coordinator in consultation with the Executive Office. The General Assembly Coordinator shall be a Citizen;
 - (e) consensus will be encouraged for all decision-making of the General Assembly. In cases where consensus cannot be reached, decisions shall be passed by simple majority vote;
 - (f) Chief and Councilors are considered observers and non-voting members of the General Assembly and serve as members for the purposes of achieving quorum; and
 - (g) Only members who are sixteen years of age or older may vote in meeting of the General Assembly.

ARTICLE VII – ELDERS COUNCIL

ELIGIBILITY CRITERIA

1. To become a Elders Council Member, one must be:
- (a) 60 years of age or older; and
 - (b) a Citizen.

2. An individual who meets the eligibility criteria for becoming an Elders Council Member, but who chooses not to participate in the Elders Council is still considered an Elder.
3. The Elders Council shall advise the Council on all matters and may:
 - (a) provide advice and guidance to Vuntut Gwitchin governing bodies excluding the Vuntut Gwitchin Court;
 - (b) appoint the Elder's representative to the Review Council;
 - (c) preserve and protect Vuntut Gwitchin First Nation traditions, customs, laws, culture and language; and
 - (d) upon recommendation from Chief and the Councillors, appoint members to Council committees.

GOVERNANCE

4. The Elders Council shall determine their own rules and procedures for the conduct of their business.
5. If an Elder sits on the Review Council, they shall not be a n Elders Council Member for the duration of their term on Review Council.

ARTICLE VIII – COUNCIL

1. There shall be a Council elected by the eligible voters of the Vuntut Gwitchin First Nation pursuant to the Election Act and relevant legislation.
2. The Council shall consist of one Chief and four Councillors.
3. In the event that the required number of nominees have not been nominated to fill all the positions on the Council, the Elders shall recommend suitable candidates to the community at large in a duly called public meeting. All recommended candidates shall be consulted prior to nomination and the membership at large in Old Crow must, by consensus, approve the recommendations prior to the affirmation of the recommended candidate under this process.
4. The quorum of the Council shall be three members, including the Chief (or in the absence of the Chief, the Deputy Chief) acting in consultation with the other members, to the extent that is practical.
5. The terms of office for the Chief and four Councillors shall be four years, commencing on the 2nd Wednesday of January immediately following their election. For greater certainty, the Chief and Councillors holding office on the day of the election remain in office until the 2nd Wednesday of January.

6. The Council shall determine their own rules and procedures. The Council shall strive to make all decisions by consensus. In the event a consensus cannot be reached, the Council shall make the decision by simple majority vote.
7. The 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 of its Councillors.

ARTICLE IX – COUNCIL DUTIES AND POWERS

1. It shall be lawful for the Chief and Councillors, by and with the advice of the General Assembly and the Elders Council, to make Vuntut Gwitchin Laws for the peace, order and good government of the Vuntut Gwitchin First Nation in accordance with section 13.0 of the Vuntut Gwitchin First Nation Self-Government Agreement.
2. All Vuntut Gwitchin Laws enacted by the Council shall be consistent with the objects of this Constitution. The Council shall establish, by law, a general procedure for the enactment of Vuntut Gwitchin Laws.
3. Without limiting the foregoing, the duties and powers of the Council also shall include:
 - (a) considering direction provided by the General Assembly through resolution;
 - (b) setting clear policies and guidelines and ensuring good management and reporting in all aspects of the Vuntut Gwitchin Government within the jurisdiction of the Council;
 - (c) proposing new legislation under the jurisdiction of the Vuntut Gwitchin First Nation;
 - (d) establishing a system of laws according to the traditions, needs and ideals of the Vuntut Gwitchin First Nation and in accord with the objectives of this Constitution;
 - (e) implementing Vuntut Gwitchin Laws considered by the General Assembly;
 - (f) exercising all jurisdiction, power and authority of the Vuntut Gwitchin First Nation and fulfilling any duties of the Vuntut Gwitchin First Nation pursuant to the Vuntut Gwitchin First Nation Final Agreement and the Vuntut Gwitchin First Nation Self-Government Agreement;
 - (g) as they deem advisable, establishing any trust for the benefit of the Vuntut Gwitchin First Nation, constituting any persons as trustees thereof and vesting therein any property of the Vuntut Gwitchin First Nation; and
 - (h) exercising such powers and doing such things as may be necessary to fulfill the objects of this Constitution.

ARTICLE X – CHIEF AND DEPUTY CHIEF

1. The Chief shall be the general spokesperson for the Vuntut Gwitchin First Nation and the chief executive of Vuntut Gwitchin Government.
2. The Chief shall hold no other office except as provided in this Constitution.
3. The Chief shall be the presiding officer of the Council.
4. The Chief shall have the power, in accordance with Constitution and any law and subject to the approval of the Council to:
 - (a) establish committees of the Council and to appoint the members to subcommittees;
 - (b) ensure that resolutions approved, and Vuntut Gwitchin Laws enacted by the Council are implemented;
 - (c) make recommendations to the General Assembly or to the Council and to make periodic reports of the state of the Vuntut Gwitchin First Nation; and
 - (d) exercise such additional powers as may be authorized by Vuntut Gwitchin Law.
5. The Deputy Chief, who is appointed from the four Councilors shall perform such duties of the Chief or exercise such powers as may be delegated to them.
6. In the absence or incapacity of the Chief, the Deputy Chief shall, under the direction of the Council, perform all the duties and exercise all the powers of the Chief.
7. Either the Chief or Deputy Chief should be present on the Traditional Territory at all times. In the event that both Chief and Deputy Chief must be absent, an interim Deputy Chief shall be appointed.

ARTICLE XI – TERMS OF OFFICE AND QUALIFICATIONS

QUALIFICATIONS

1. Any person desiring to run for Chief or Councillor must meet the following qualifications:
 - (a) Be 18 years or older;
 - (b) Be ordinarily resident in Canada;
 - (c) No indictable offence convictions for 5 years preceding the election; and
 - (d) Be a Citizen.

2. If an eligible candidate for Chief or Councillor does not reside on Settlement Land during the election and wins their desired seat they must relocate to Settlement Land within 14 days after election day.

ARTICLE XII – REVIEW COUNCIL

RESPONSIBILITIES

1. The Review Council means the body responsible for:
 - (a) recounts in an election;
 - (b) serving as the Citizenship/Enrollment Committee;
 - (c) receiving complaints about Chief and Councillors;
 - (d) when proven, according to Vuntut Gwitchin Law, removal from office; and
 - (e) when necessary, appointments of interim Council members.
2. The Review Council comprises the following five members, appointed for a three-year term:
 - (a) one person appointed by the Council who is not the Chief or a Councillor;
 - (b) two persons appointed on the recommendation of the General Assembly; and
 - (c) two persons appointed on the recommendation of the Elders Council.
3. The scope and authority of the Review Council shall be set out in the Governance Act and related legislation.

CODE OF CONDUCT

4. All members of the Review Council must abide by the Code of Conduct established for the Vuntut Gwitchin Government.

ARTICLE XIII – YOUTH COUNCIL

ELIGIBILITY

1. To be eligible for Youth Council, youth must be:
 - (a) between the ages of 16-30; and
 - (b) a Citizen.
2. Youth between the ages of 16-30 who are not Citizens residing on Settlement Land may participate in Youth Council as determined through its terms of reference.

3. A Youth Representative and alternate shall be chosen by eligible youth.
4. The Youth Representatives shall report regularly to the Youth Council.

PURPOSE

5. The Youth Representatives shall provide leadership to Vuntut Gwitchin First Nation youth regarding participation in the community and Vuntut Gwitchin Government.

GOVERNANCE

6. The Youth Council shall determine their own rules and procedures for the conduct of their business.
7. All members of the Youth Council shall abide by the Code of Conduct established for the Vuntut Gwitchin Government.

ARTICLE XIV – VACANCIES AND REMOVAL FROM OFFICE

REMOVAL FROM OFFICE

1. Any member of the Council who, during the term during which he or she is elected, is convicted of an indictable offence as defined in the Criminal Code, RSC 1985, c C-46, shall automatically be suspended from his or her office.
2. During the 45 days following the conviction, the Review Council will determine whether that office will be forfeited or whether the member will continue their office subject to terms and conditions.
3. If a Councillor is convicted of an offence that is not an indictable offence but that, in the sole discretion of the Review Council is a breach of the Oath of Office or Code of Conduct, they may be removed from office or be subject to terms and conditions imposed by Review Council.
4. If, on complaint through proper outlined in Vuntut Gwitchin legislation by a Citizen, Review Council determines there has been a breach of the Councillor's Oath or Office or Code of Conduct, a councillor may be removed from office or be subject to terms and conditions imposed by Review Council.
5. The decision of the Review Council shall be final and such Council member shall not be eligible to be returned to office for at least six years following the action.
6. The Review Council shall undertake its responsibilities with respect to removal from office in accordance with the procedure outlined in Vuntut Gwitchin Law.

VACANCIES

7. Subject to Article XI, vacancies in the membership of the Council or in the offices of the Council shall be filled in the following manner:
 - (a) If the vacancy occurs within six months of a General Election, the Review Council will appoint an interim Council member to serve until the election period begins; and
 - (b) If the vacancy occurs when more than six months remaining before a General Election, a by-election will be held in accordance with the procedure set out in the Elections Act.

ARTICLE XV – VUNTUT GWITCHIN COURT

1. There shall be a Vuntut Gwitchin Court whose membership and organization shall be established by the Administration of Justice Act and any other applicable Vuntut Gwitchin Laws.
2. Vuntut Gwitchin Court shall have power to hear and decide all cases of alleged violation of Vuntut Gwitchin Laws and to impose such penalties as are provided by Vuntut Gwitchin Laws.
3. Vuntut Gwitchin Court shall establish its own rules and procedures in legislation.
4. Vuntut Gwitchin Court may establish and administer a system of legal aid and general legal counselling for persons coming before the Vuntut Gwitchin Court.

ARTICLE XVI – FINANCIAL ADMINISTRATION

1. Vuntut Gwitchin First Nation financial administration will:
 - (a) be prudent, open, and accountable;
 - (b) provide for effective, efficient and responsible use of the financial resources of the Vuntut Gwitchin First Nation and its Citizens;
 - (c) prepare, maintain and publish its accounts in a manner consistent with the Generally Accepted Accounting Principles; and
 - (d) manage finances in accordance with Vuntut Gwitchin Law.
2. Council shall establish a financial administration system that will include mechanisms to prepare and present an annual budget in accordance with the Appropriations Act.
3. At any time during regular office hours, or at any other time upon giving reasonable notice and arranging a time satisfactory to the Council, the records of the proceedings of a governing institution, the approved budget and the audited financial statements of the

Vuntut Gwitchin First Nation may be inspected at the administrative office of the Vuntut Gwitchin Government by any Citizen subject to and in accordance with any applicable privacy and freedom of information laws.

4. Unless in accordance with applicable privacy and freedom of information laws, no person shall be entitled to make copies of records or to remove records from the office of the Vuntut Gwitchin Government.
5. Vuntut Gwitchin Government shall make policies providing for allocations to Governing Bodies and Public Institutions.

AUDIT OF ACCOUNTS

6. The books, accounts and records of the Vuntut Gwitchin First Nation shall be audited at least once a year by a chartered accountant and the report thereof shall be submitted to Chief and Council for approval and presented to the General Assembly.
7. The fiscal year of the Council shall end on March 31 of each year.

ARTICLE XVII – THE SEAL

1. The Council shall have a seal, which shall remain with the Chief or his or her agents and shall be affixed to all documents required to be in writing under the seal.

ARTICLE XVIII – AMENDMENTS TO CONSTITUTION

1. This Constitution may be amended only in accordance with the following steps:
 - (a) Step 1: Council shall adopt a resolution, by simple majority vote, proposing an amendment to this Constitution;
 - (b) Step 2: written notice of the proposed amendment is given by the Council to all Citizens eligible to vote at a General Assembly at least fourteen (14) days before the meeting of the General Assembly at which the amendment is to be considered;
 - (c) Step 3: General Assembly shall then determine whether to proceed with or change the proposed amendment. The quorum for the General Assembly must be present at the time the amendment is considered for debate and decision; and
 - (d) Step 4: the amendment is approved by eligible voting members of the General Assembly. Consensus will be encouraged for all constitutional amendments of the General Assembly. In cases where consensus cannot be reached, amendments shall be passed by 60% majority vote.

2. For the purposes of approving amendments to this Constitution, Chief and Council shall be considered voting members of the General Assembly.
3. Any amendment to this Constitution must be consistent with the Vuntut Gwitchin First Nation Self-Government Agreement and the rights and freedoms stated within this Constitution.

ARTICLE XIX – TRANSITION

1. This Constitution shall be the sole Constitution of the Vuntut Gwitchin First Nation.
2. Any and all laws, ordinances, resolution and agreements enacted or entered into by the Vuntut Gwitchin First Nation shall remain valid to the extent that they are consistent with this Constitution.
3. The Council shall be constituted, and its members shall take office in accordance with the provisions of this Constitution within one year of the ratification of this Constitution.
4. Until the members of the Council shall take office in accordance with this Constitution, the Old Crow Band Council shall have all the powers and duties of the Council.

ARTICLE XX – RATIFICATION OF THIS CONSTITUTION

1. This Constitution shall come into force as provided in the Settlement Agreements or Self-Government Agreements and when approved by a majority of the members of the Vuntut Gwitchin First Nation present and voting when assembled for the purpose by the Vuntut Gwitchin First Nation.
2. The official copy of this Constitution as approved at such assembly may be signed at the assembly by members of the Vuntut Gwitchin First Nation and shall thereafter be safeguarded as provided by the Council.

ARTICLE XXI – CHALLENGING AND QUASHING OF LAWS

VALIDITY OF VUNTUT GWITCHIN LAWS

1. The validity of a Vuntut Gwitchin Law may be challenged by a Citizen in the:
 - (a) Yukon Supreme Court; and
 - (b) Court of the Vuntut Gwitchin First Nation, once established.
2. Any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

ARTICLE XXII – OTHER INTERPRETATION

1. In this Constitution:
 - (a) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
 - (b) unless it is otherwise clear from the context, a reference to a “section”, “subsection” or “paragraph” means a section, subsection or paragraph, respectively, of this Constitution;
 - (c) headings and subheadings are for convenience only, do not form a part of this Constitution, and in no way define, limit, alter, or enlarge the scope or meaning of any provision of this Constitution; and
 - (d) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular.
2. If there is a conflict between different versions of this Constitution, the English language version will prevail.

CONFLICT OF LAWS

3. In this Constitution there is a conflict between laws if compliance with one law would be a breach of the other law.

STATUS OF SCHEDULES

4. All Schedules to this Constitution form part of this Constitution.

COMMENCEMENT

5. This Constitution is in effect as of the effective date of the Vuntut Gwitchin First Nation Final Agreement.

SCHEDULE I: VUNTUT GWITCHIN FIRST NATION CITIZENSHIP CODE

PREAMBLE

The Vuntut Gwitchin First Nation have occupied the lands known as the northern portions of the Yukon Territory since time immemorial. Therefore, the Vuntut Gwitchin First Nation considers the control of its Citizenship to be its fundamental right and responsibility.

DEFINITIONS

1. In this Citizenship Code:

"Adopted Child" means a person who, while a minor, is adopted in accordance with the relevant laws on adoption, which includes Vuntut Gwitchin Law or customary laws;

"Canada" means, unless the context otherwise requires, Her Majesty the Queen in right of Canada;

"Chief" means the leader of Vuntut Gwitchin First Nation chosen as a result of a duly held election;

"Child" means a child born in or out of wedlock, a legally adopted child, and a child adopted in accordance with the accepted custom of the Vuntut Gwitchin First Nation;

"Citizen" means a person whose name is on the First Nation Citizenship List;

"Councillor" means either the Deputy Chief or Councillor chosen as a result of a duly held election;

"Council" means the Council of the Vuntut Gwitchin First Nation chosen as a result of a duly held election;

"Elder" means a Citizen who is sixty years of age or more and resides in the Yukon;

"Enrollment/Statistician Officer" means the officer of the Vuntut Gwitchin First Nation who is responsible for maintaining the First Nation Citizenship List;

"First Nation" means the Vuntut Gwitchin First Nation;

"First Nation Citizenship List" means the list of Citizens, which is maintained by the Vuntut Gwitchin First Nation;

"Ordinarily Resident" means a person who lived or has lived the majority of his or her life in the Yukon. In making such determination, temporary absences from the Yukon for reasons such as travel, education, medical treatment, military service or incarceration, shall be considered periods of residence provided the Person was Ordinarily Resident prior to such temporary absences;

"Resident" means a person ordinarily residing the majority of the time on Settlement Land who may or may not be a Citizen;

"Review Council" means the body responsible for:

- (a) recounts in an election;
- (b) serving as the Citizenship/Enrollment Committee;
- (c) receiving complaints about Chief and Council;
- (d) when proven, according to Vuntut Gwitchin Law, removal from office; and
- (e) when necessary, appointments of interim Councilor.

"Vuntut Gwitchin First Nation" means the collectivity of Citizens who share the language, culture, and laws of the Vuntut Gwitchin, and their descendants;

"Vuntut Gwitchin Government" means the government of the Vuntut Gwitchin First Nation; and

"Vuntut Gwitchin Laws" includes this Constitution; and any law passed in accordance with the procedure set out in the Governance Act.

FIRST NATION CITIZENSHIP ENROLLMENT

EXCLUSIONS

2. The following persons shall not be eligible to be registered as a Citizen:
 - (a) a person who is enrolled in another self-governing First Nation in Canada; and
 - (b) a person who is a Citizen of another self-governing First Nation or member of a First Nation Band as defined in the Indian Act in Canada.

APPLICATIONS

3. Any adult person may apply to the Enrollment Committee to be enrolled as a Citizen.
4. Any adult person may apply to the Enrollment Committee to enroll their Minor child as a Citizen.
5. Any person who, by order of a court in Canada or pursuant to Legislation, has been vested with the authority to manage the affairs of an adult incapable of managing his or her own affairs may apply to the Enrollment Committee on behalf of the adult.

MINOR CHILDREN

6. If the parents of a minor child are citizens of a different self-governing Indigenous Nation or an Indian Band, the minor child is considered a citizen of the Nation or Indian Band of the parent's choice.
7. If parents of a minor child are legally separated or divorced, the minor child will retain Citizenship of the parent with whom they are primarily resident or the Citizenship of the parents' joint decision, if they agree.

FIRST NATION ENROLLMENT COMMITTEE

8. The Enrollment Committee is the same body as the Review Council and is responsible for:
 - (a) receiving completed applications for Citizenship or Enrollment;
 - (b) approving and certifying eligible applicants and forwarding the same to the Enrollment/Statistician Officer;
 - (c) forwarding the names of applicants who have been refused Citizenship and/or Enrollment together with all relevant information and documentation to the Enrollment/Statistician Officer;
 - (d) determining whether or not a child has been adopted pursuant to Vuntut Gwitchin custom; and
 - (e) providing information about adoption to the Enrollment/Statistician Officer.

ENROLLMENT

9. Any enrolled person as per section 3.2.0 of the Vuntut Gwitchin First Nation Final Agreement is a Citizen.

PROCEDURE TO APPLY FOR ENROLLMENT

10. Any adult person who seeks to become a Vuntut Gwitchin First Nation Citizen will file an application with the Enrollment/Statistician Officer with the following documentation:
 - (a) birth certificate; and
 - (b) confirmation that the applicant is not enrolled under another land claim agreement as per section 3.4.0 of the Vuntut Gwitchin First Nation Final Agreement.
11. If the applicant cannot confirm enrollment under the Vuntut Gwitchin First Nation Final Agreement they can confirm eligibility by showing that they are:

- (a) a descendant of a deceased or living enrolled person; or
 - (b) an adopted person of an enrolled person.
12. The Enrollment Committee may, in its discretion, and upon consideration of all relevant circumstances, consider an applicant to have sufficient ancestry with the Vuntut Gwitchin First Nation so as to justify enrollment.

ENROLLMENT APPEAL BOARD

13. On an ad hoc basis, an appeal board ("Enrollment Appeal Board") may be appointed by the Chief and Council and shall consist of three persons, all Citizens, none of whom shall concurrently sit on the Enrollment Committee.
14. The Enrollment Appeal Board shall hear any appeals from the decisions of the Enrollment Committee.
15. An appeal must be written and contain a brief statement of the grounds of the appeal.
16. An appeal may be made by the Council, any member, or the person in respect of whose name the protest is made or his or her representative.
17. The Enrollment Appeal Board shall have the authority to affirm, vary, deny or refer the subject matter back to the Enrollment Committee for reconsideration or further investigation.
18. A decision of the Enrollment Appeal Board shall be final.

WITHDRAWAL AND TERMINATION

19. Any member may withdraw his or her Citizenship upon written application to the Enrollment Committee.

FIRST NATION ENROLLMENT/STATISTICIAN OFFICER

20. An Enrollment/Statistician Officer will be hired by the Vuntut Gwitchin Government and shall have the following responsibilities:
- (a) notifying each applicant of the results of the findings and determination of the Committee;
 - (b) maintaining an up to date First Nation Citizenship List; and
 - (c) providing any individual seeking to become a Citizen, the application form that identifies the enrollment requirements and outlines the application process.

AMENDMENT

21. The Citizenship Code may only be amended using the amendment procedure provided for under Article XVIII of this Constitution.

EFFECTIVE DATE

22. This Citizenship Code will become effective on the effective date of the Vuntut Gwitchin First Nation Final Agreement and the Vuntut Gwitchin First Nation Self-Government Agreement.

SCHEDULE II: OATH OF OFFICE

Each person who is elected to the position of Chief or Councillor is required by this Constitution to swear or affirm loyalty to the Vuntut Gwitchin First Nation and obedience to this Constitution, and must answer the following questions asked by an Elder accordingly:

Question: "Will you accept from the people the sacred responsibility of government? Will you be loyal to the Vuntut Gwitchin First Nation, uphold its values, and protect and obey its Constitution?"

Answer: "I will."

Question: "Will you seek the guidance of the Elders and respect their wisdom? Will you be faithful to your role and to those who seek your advice, and will you keep secret all matters entrusted to your confidence?"

Answer: "I will."

Question: "Will you work to preserve the peace and unity of the Vuntut Gwitchin First Nation, to secure the well-being of the people, and to provide good, effective, and accountable government for the Vuntut Gwitchin First Nation?"

Answer: "I will, and may I have the wisdom to continue to protect our land and our people."