



NUCHATLAHT FIRST NATION

CONSTITUTION

DRAFT ONLY: to be Ratified by Membership

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NUCHATLAHT VISION STATEMENT

PERSONAL VISION

I live my life with honor, dignity and respect.
I treat others with respect, honor and dignity.

FAMILY VISION

My family is trusting and nurturing. We support each other to be the best that we can be. We are healing and strengthening our spirits through cultural and spiritual practices.

COMMUNITY VISION

My community is safe; drug and alcohol free. Our children and all community members live safely, without fear. We are committed to creating an environment that is healthy, respectful, safe and loving. We gather to support and encourage each other. We participate and contribute equally and we respect the ideas and opinions of others. We feel valued and we are acknowledged for our efforts.

NUCHATLAHT FOUNDING PRINCIPLES

We, the Nuchatlaht, by this Constitution declare our unique identity and inherent rights as provided by naas (the Creator).

We are the Nuchatlaht (people of Nuchatl), and have existed since time immemorial; autonomous and forever connected to our nisma as confirmed by our oral history, traditions and Elders' teachings. This then is the basis for our founding principles:

1. Our inherent rights flow from naas who gave us our lands and our laws; laws that govern all of our relationships and form our values;
2. We have occupied our nisma (see attached map) and used and cared for all of our resources therein (including air and water) since time immemorial;
3. Our personal existence is defined by universal truths and natural laws, which provide us dignity and guide us in honoring our ancestors and respecting our elders for their knowledge and experience and our children whose future we seek to ensure;
4. Our inherent rights are the basis for our spiritual, social, cultural, political and economic systems. These rights give us the freedom to exercise and preserve our way of life and to accept and practice the responsibilities of governance and self-determination.

By virtue then, of these founding principles the Nuchatlaht First Nation exercise the rights and responsibilities inherent in the governing of its members as our ancestors have since time immemorial.

1. DEFINITIONS

- 1.1 Constitution:** is a charter describing the rights, freedoms and responsibilities of the Nuchatlaht First Nation and its members. A constitution is a living document and a set of written and unwritten rules and principles that govern decision-making in a political community. Among other things, constitutions create, empower and regulate government.
- 1.2 Council:** for the purpose of this document, council will always mean Tye hawilth and councilors unless otherwise stated.
- 1.3 Councilor Appointments:** new Council appointmentees are selected by a Committee consisting of the Tye ha'wilth, community leaders – normally each the head of a family – and community elders.
- 1.4 Eligible Voter:** any person who is a registered member of the Nuchatlaht First Nation and has reached to full age of 16 years is considered an eligible voter.
- 1.5 Inalienable Rights:** rights that are unchangeable, undeniable and cannot be forfeit.
- 1.6 Inherent Rights:** Are rights that exist by reason of an individual's status as an individual and are not derived from any other source.

Inherent rights are those that are automatically ours as part of our birthright. Most of these rights apply in relationship to other individuals, including organizations, governments, etc.

The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*. It recognizes, as well, that the inherent right may find expression in treaties, and in the context of the Crown's relationship with treaty First Nations. Recognition of the inherent right is based on the view that the Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources.

- 1.7 Nis ma:** land, territory
- 1.8 Nuchatl:** People living at the base of the mountains; between the mountains and the water.

1.9 Nuchatlaht Member: any person who has met all of the membership requirements according to the Membership Code of the Nuchatlaht First Nation and who has been accepted as a member according to the procedures of the Membership Code.

1.10 Ratification: means approval or endorsement and normally refers to the voted acceptance of a governing document (such as this constitution). Please see Ratification Section 10, page 11 for details.

1.11 Tye ha'wilth: the person of the Chief's class who holds the highest rank and status within the Nuchatlaht First Nation.

1.12 Universal Truths & Natural Laws: a natural ruling principle of existence for all of humanity.

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The HYPERLINK "<http://www.un.org/Overview/rights.html>" United Nations' Universal Declaration of Human Rights (UDHR) states that "the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," and that "all human beings are born free and equal in dignity and rights."

Universal truths and Natural Laws are truths for everyone therefore when we defend the truths of human equality and liberty; we must defend such truths for everyone. Universal truths and Natural Laws are not an option for some, but not for others; they are for everyone.

2 OBJECTIVES

The Nuchatlaht Tye hawilth and Council are the voice of the Nuchatlaht First Nation, representing the Nuchatlaht to all other governments and external organizations.

The Nuchatlaht Tye hawilth and Council will make best efforts to advance the Nation and thus improve the quality of life for all members.

The Nuchatlaht Tye hawilth and Council will strive to:

- 2.1 Maintain Nuchatlaht unity,
- 2.2 Preserve and protect Nuchatlaht air, lands, waters and resources,
- 2.3 Develop and uphold sound operating and governing procedures.
- 2.4 Preserve and protect Nuchatlaht language, culture, traditions and way-of-life.

This constitution forms the basis for the governance of the Nuchatlaht.

3 NUCHATLAHT VALUES and RIGHTS

This constitution is based on the values that flow from our inherent rights; values that define and unite us as Nuchatlaht. These include:

- 3.1 A reverence for naas, our Creator,
- 3.2 Honor for our ancestors who lit our path,
- 3.3 Respect for our Elders, our families, our children and those yet to come,
- 3.4 Recognition of and respect for our ha'wiih and their ha-houlthee,
- 3.5 Pride in our identity – our unique language, culture, way-of-life and traditions,
- 3.6 An absolute respect for all living things and a deep understanding of our connectedness and responsibilities.

Based on our historic way of life, our value system and our membership in the global community we the Nuchatlaht possess certain fundamental and inalienable human rights, never extinguished, ceded or surrendered; including the rights to:

- 3.7 Our nisma including: air, lands, waters, waterbeds and spiritual places,
- 3.8 The harvest and maintenance of the resources within our traditional Nism'a,
- 3.9 The wealth within our traditional nisma,
- 3.10 Govern within our traditional nisma,
- 3.11 Practice, protect and enhance our culture, traditions, language and way-of-life,
- 3.12 Identify and describe our members through our own criteria.

4 INDIVIDUAL RIGHTS, FREEDOMS and RESPONSIBILITIES

All members of the Nuchatlaht First Nation are entitled to the recognition and protection of their rights and freedoms guaranteed under the Constitution of Canada, the United Nations, various other instruments of human rights in international law and this the Nuchatlaht First Nation Constitution.

Under the Nuchatlaht Constitution an individual is entitled to membership when that individual meets the Nuchatlaht First Nation membership code criteria.

All members of the Nuchatlaht First Nation are equal under this Constitution therefore based on this equality and in accordance with Nuchatlaht customary law; all members have the right or freedom to:

- 4.1 Participate in Nuchatlaht political activities,
- 4.2 Be informed about Nuchatlaht affairs,

- 4.3 Express opinions regarding Nuchatlaht affairs,
- 4.4 Access information, including the Nuchatlaht Constitution, general meeting minutes and policies,
- 4.5 Personal privacy,
- 4.6 Enter, exit or reside in the Nuchatlaht nisma consistent with this Constitution,
- 4.7 Equal employment opportunities within the Nation,
- 4.8 Equal access to programs and services delivered by the Nuchatlaht (consistent with program criteria),
- 4.9 Participate in traditional Nuchatlaht culture and customs consistent with established practices,
- 4.10 Pursue a livelihood within Nuchatlaht territory consistent with this Constitution,
- 4.11 Contribute to the continuing progress, growth and development of the Nuchatlaht Nation,
- 4.12 Achieve their greatest potential.

Each and every Nuchatlaht First Nation member, through participation in the Nuchatlaht community accepts the following responsibilities:

- 4.13 To uphold and abide by this Constitution,
- 4.14 To nurture and guide their families and children,
- 4.15 To show respect for Mother Earth and all living things,
- 4.16 To actively promote a healthy, safe and vibrant community for all members.
- 4.17 To uphold all laws of general application while residing on or visiting any and all parts of Nuchatlaht nisma.

5. GOVERNANCE

The Nuchatlaht Governing Body (government) consists of the form set out in this Constitution and is based on our traditional form of governance.

The Nuchatlaht Governing Body consists of:

- 5.1 The tyee ha'wilt (our hereditary chief),
- 5.2 An appointed Council (see definitions).

The Nuchatlaht Government may delegate through committees or individuals as required.

The Nuchatlaht Government will hold an annual Members' Assembly at which time they will provide an opportunity for community input, discussion and direction in matters pertaining to Nuchatlaht Governance and Tribal Operations; including but not exclusive to:

- 5.3 Revenues and expenditures,

- 5.4 Annual budgets,
- 5.5 Strategic objectives,
- 5.6 Adoption of or changes to major policy,
- 5.7 Community economic development.

The Members Assembly may, by a majority vote of those in attendance (50% + 1), make recommendations to the Nuchatlaht Tyee hawilth and Council by way of a resolution.

5.8 The Tyee ha'wilth (our hereditary chief):

- 5.8.1 Is the head of the Nuchatlaht Government and the Nuchatlaht Council, and as such is accountable for the proper management and administration of the Nuchatlaht Government.
- 5.8.2 Has the authority and responsibility for upholding the traditional laws of the Nuchatlaht,
- 5.8.3 Represents the Nuchatlaht First Nation in relations with all other governments, organizations and associations,
- 5.8.4 Ensures that the Nuchatlaht First Nation Constitution and policies are followed and enforced.

5.9 The Council will:

- 5.9.1 Be assigned portfolios and/or executive duties,
- 5.9.2 Be responsible for overseeing the effective management of Nuchatlaht programs and services,
- 5.9.3 Undertake the responsibility for developing and directing Nuchatlaht polices.
- 5.9.4 Act in the capacity of employer for all Nuchatlaht First Nation employees,
- 5.9.5 Develop and maintain effective communication with their members and other governments and organizations,
- 5.9.6 Promote the development and maintenance of a sound economy within the Nuchatlaht Nation,
- 5.9.7 Protect, practice and improve Nuchatlaht Aboriginal Rights,
- 5.9.8 Promote the practices of Nuchatlaht values, culture, traditions, language and way-of-life.

6. POLICIES

The Nuchatlaht First Nation has the inherent right to governance and self-determination. The Nuchatlaht Government then, has the authority and responsibilities that flow from these rights, including but not exclusive to policy development and implementation.

As of the effective date of this Constitution and in accordance with NTC, federal and/or provincial program criteria the Nuchatlaht Government shall have the authority to make policy pertaining to:

- 6.1 Governance procedures,
- 6.2 Code of Conduct,
- 6.3 Conflict of interest,
- 6.4 Membership,
- 6.5 Nisma; all uses and management
- 6.6 Resources and resource management,
- 6.7 Nuchatlaht First Nation assets,
- 6.8 Financial management,

- 6.9 Child and family protection, care and services,
- 6.10 Education,
- 6.11 Social Development,
- 6.12 Culture and Heritage,
- 6.13 Housing,
- 6.14 Community Infrastructure including capital projects and public buildings
- 6.15 Emergency preparedness,
- 6.16 Access to information.

The exercise of this authority may from time to time be subject to agreements entered into with Canada, British Columbia, Municipal and Regional Governments and/or the NTC.

7. FINANCIAL ADMINISTRATION

The Nuchatlaht Government will, through the Financial Management Policy work to ensure that Nuchatlaht financial administration is:

- 7.1 Effective and efficient,
- 7.2 Open and accountable,
- 7.3 Based on generally accepted accounting standards.

Annual financial documents will be presented at the annual Members' Assembly, including:

- 7.4 Spending plans and revenue measures in the form of a budget,
- 7.5 Audited financial statements including any corporate entity owned in whole or part by the Nuchatlaht First Nation.

8. CODE OF CONDUCT

The Nuchatlaht Government will govern in a way that reflects the traditional values of honor, respect and cultural pride and provide administration in a manner that:

- 8.1 Demonstrates the highest ethical standards,
- 8.2 Provides services on an equitable and impartial basis,
- 8.3 Makes effective and efficient use of all Nuchatlaht resources,
- 8.4 Responds in a timely manner,
- 8.5 Is accessible to the community and its members.

All Nuchatlaht employees and contractors will be held to this same high standard.

9. ADJUDICATIONS

9.1 Conflict of Interest

- 9.1.1 The Nuchatlaht Government will develop and maintain a Conflict of Interest Policy that is in keeping with the culture, traditions and customs of the Nuchatlaht First Nation.

As of the effective date of this Constitution, the policy will apply to all Nuchatlaht officials and employees.

9.2 Dispute Resolution

The body empowered to address constitutional disputes is the Judicial Council, assembled as required by the Tyee hawilth. This body will be:

- 9.2.1 Independent,
- 9.2.2 Provided with the authority to make recommendations and render decisions,
- 9.2.3 Hear appeals of administrative decisions,
- 9.2.4 Resolve disputes between members,
- 9.2.5 Given the resources to meet its obligations.

All rulings of the Judicial Council are final.

10. RATIFICATION

The ratification of this Constitution requires a majority (50% + 1) of eligible voters in a referendum held specifically for that purpose.

When ratified this Constitution is in force and takes effect on that date.

11. AMENDMENTS

This Constitution can only be amended in a duly convened referendum with the approval of a majority (50% + 1) of eligible voters. Prior to conducting a referendum on a proposed Constitutional amendment the Nuchatlaht Council will:

- 11.1 Provide full information and rationale on the proposed amendment by way of written materials,
- 11.2 Give Nuchatlaht members a minimum of 20 days notice of a specially held Members Assembly including:
 - 11.2.1 date,
 - 11.2.2 time, and
 - 11.2.3 place,
- 11.3 Seek member views and input on the proposed amendment.
- 11.4 As required, set a date for the referendum.

This document has been ratified at a duly convened meeting by the Nuchatlaht Membership:

On this date: _____

At this place: _____

And witnessed by the Tyee ha'wilth and Council.

Tyee ha'wilth: _____

Council Member: _____

Council Member: _____