

Constitutional Review Committee – Expectations and Commitments.

August 2019

Objectives.

The Constitutional Review Committee (the “Committee”) was established in 2011 and reconstituted in 2015 to review the 1997 Carcross/Tagish First Nation (“C/TFN”) Constitution. The current Committee was established in 2019 with the objective of:

- reviewing the current constitution for consistency and continuity;
- the Committee will focus its work on:
 - Incorporation of traditional Tlingit and Tagish elements in to the constitution;
 - Children of the community and clan membership;
 - The role of the clans within the C/TFN constitution specifically the appointment or election to C/TFN governing bodies;
 - Ensuring accountability and consequences for the elected Haa Sha du Hen (Kha Shade Heni);
 - Establishment of a judicial council; and,
 - The possibility of future joint decisions within the Dahk Kha Nation.
- recommending amendments of the current constitution to C/TFN leadership including the development of new and/or review of existing C/TFN laws if necessary;
- if requested by C/TFN leadership, present the recommended amendments and necessary interim reports to General Council; and,
- complete a final report and implementation plan prior to concluding the Committee’s work.

The Committee will provide an interim report to Executive Council by February 2020 and a final report and implementation plan by March 31, 2020.

Constitutional Review Committee.

Membership

- The Committee will be made up of a member and alternative member for each clan.
- Only one honorarium per clan will be approved for each meeting.
- The Committee currently has two technical support positions – administration and legal counsel. Technical support does not participate in decision making of the Committee.
- Members of the Committee may sit on other C/TFN boards or councils but are expected to proactively raise any conflict of interest they may have.

Meetings

- Quorum will be four clan representative Committee members.
- The Committee will strive to make all decisions by consensus.
- If consensus on a decision cannot be reached, the Committee will seek direction from C/TFN leadership.

Replacement of Committee members.

- Where the Committee is concerned that a Committee member is not meeting their responsibilities under this agreement, they will be reminded about expectations by the Committee as a whole.
- If the Committee member continues to be unable to fulfill responsibilities in this agreement, the Committee will recommend that a clan replace the Committee member. Such a recommendation shall be forwarded to Executive Council for their information.
- The clan will be asked to appoint a replacement.

Membership responsibilities.

- Unless otherwise decided by all members, the Committee will strive to meet every two weeks initially and as regularly until the work of the Committee is done.
- Each Committee member will attend each meeting on time, prepared and willing to participate in a good and sacred way.
- Committee members will review all relevant documents forwarded to the Committee including but not limited to submissions by citizens, past constitutional reviews, other First Nation constitutions and articles or reports.
- Committee members commit to briefing their alternative and clan leadership on a regular basis so that there will be no delays in the event a member is no longer able to continue and another clan member has to be appointed to the Committee.
- Between meetings and as necessary, Committee members are responsible for being representatives of the Committee's work.
- This will mean speaking honestly and consistently about the work of the Committee; clearly communicating to C/TFN citizens what the Committee is doing and what C/TFN citizens are saying to the Committee; participating in community meetings; and, understanding the C/TFN constitution and changes proposed to it.

Clan responsibilities.

- Identify and appoint a Committee member and an alternate Committee member; and,
- communicate with clan membership on the work of the Committee.

First Nation responsibilities.

- The C/TFN will set out clear expectations for the Committee regarding scope of work, timelines and budget.
- The C/TFN understands that the work of the Committee may be done in phases. These phases will be set out in the February 2020 interim report.
- It is the C/TFN government's responsibility to coordinate and obtain approval from C/TFN citizens for any changes to the Constitution.
- It is expected that several community meetings (as well as clan meetings) will be required to consider the changes to the constitution and review of background documents (Dahk Kha Nation constitutions, previous C/TFN Constitution reports, etc).
- The Committee has proposed holding an education forum where community presentations will be made by experts in western and Tlingit/Tagish law.
- As set out in the Committee's objectives, the Committee may make recommendations on areas of the constitution which currently exist or should exist and should be codified as

separate laws outside of the constitution. C/TFN is responsible for the approval and implementation of these recommendations and will strive to maintain the intent and integrity of the Committee's recommendation as each may be dependent on the other.

- C/TFN will ensure adequate human and financial resources for, among other things:
 - the work of the Committee;
 - public meetings and the educational forum;
 - communication and consulting with C/TFN citizens; and,
 - the implementation of the Committee's recommendations (once approved).