

4th Tłıchǫ Assembly
10th Session Directive
May 30, 2019

The 4th Tłıchǫ Assembly held its 10th Session in Gamètì on May 30, 2019 and approved the following:

1. Recommendation from Celine Vukson at the 2018 Tłıchǫ Annual Gathering

The Tłıchǫ Assembly has received and considered the Recommendation of Tłıchǫ citizen Celine Vukson that was made to the Tłıchǫ 2018 Tłıchǫ Annual Gathering. The Tłıchǫ Assembly has decided to decline to support the proposed amendment to section 11.3 of the Tłıchǫ Constitution, and approves the attached Reasons for Decision that explain the decision to decline.

2. Tłıchǫ Healing Centre

The Tłıchǫ Assembly discussed the need for healing in the Tłıchǫ region and directed Chiefs Executive Council to establish a working group. A terms of reference may include exploring partnerships and why previous Healing Centres in other regions were not successful. The Chiefs Executive Council will report back to the Tłıchǫ Assembly once the working group has completed its work with recommendations for next steps.

3. Schedule

- a. To be determined – Tłıchǫ Assembly visit to Nisga'a
- b. September 18 – 20, 2019 – 12th session of the Tłıchǫ Assembly, Wekweètì
- c. November 13 – 15, 2019 – Spirit and Intent Yukon Umbrella Final Agreement Today and Tomorrow, Whitehorse
- d. November 19 - 21, 2019 – 13th session of the Tłıchǫ Assembly, Behchokò
- e. February 6 – 7, 2020 – Workshop, Yellowknife
- f. February 9 – 12, 2020 – LCAC Implementation Conference, Ottawa
- g. March 4 – 6, 2020 – 14th session of the Tłıchǫ Assembly, Whatì
- h. May 27 – 29, 2020 – 15th session of the Tłıchǫ Assembly, Gamètì
- i. June 25 – 26, 2020 – Assembly Workshop, Yellowknife
- j. July 7 – 9, 2020 – 16th Annual Gathering and 16th session of the Tłıchǫ Assembly, Wekweètì

Signature: _____



Grand Chief George Mackenzie
May 30, 2019

IN THE MATTER OF the Recommendation of Celine Vukson delivered to the Tłıchq Assembly at the 2018 Annual Gathering of the Tłıchq;

AND IN THE MATTER OF section 11.3 of the Tłıchq Constitution

REASONS OF DECISION OF THE TŁıCHQ ASSEMBLY

Background

In July 2018, at the Annual Gathering of the Tłıchq in Whatì, Celine Vukson made a presentation during the Open Forum session concerning the process for electing a Grand Chief of the Tłıchq.

The issue concerns the right to vote - who can vote - in a Grand Chief election. Under section 11.3 on the Tłıchq Constitution, in order to be eligible to vote in a Grand Chief election, a Tłıchq Citizen voter must be resident in Mqwhì Gogha Dè Nıttèè for at least two (2) years immediately preceding the vote for the Grand Chief of the Tłıchq. Tłıchq Citizens like Ms. Vukson, who reside outside of Mqwhì Gogha Dè Nıttèè, are not allowed to vote in a Grand Chief Election.

She requested the Tłıchq Assembly and the Tłıchq Gathering's support and she requested an amendment to the Tłıchq Constitution to allow non-resident Tłıchq Citizens to vote in a Grand Chief Election. In making her comments, Ms. Vukson noted that:

1. All Tłıchq, no matter where they lived, were included in the ratification vote of the Tłıchq Agreement in 2005;
2. Tłıchq Citizens living outside of Mqwhì Gogha Dè Nıttèè are without individual voting rights for the Grand Chief election and have no power to ensure their protection of their inherited individual land rights, water and resources; and
3. Essentially, 11.3 of the Tłıchq Constitution strips non-resident Tłıchq of their full rights to act as Tłıchq Citizens with benefits from the Tłıchq Agreement.

Ms. Vukson also noted that this is not the first time she has voiced these views at an Annual Gathering, she noted other requests for consideration being raised at past Annual Gatherings to revisit the Tłıchq Constitution

Ms. Vukson drafted a motion to be passed at the Tłıchq Gathering in Whatı. There was some discussion about the motion itself because:

1. Ms. Vukson's proposed motion for amendment was not published and posted in each Tłıchq community at least 30 days prior to the Annual gathering, as required under 15.6 of the Tłıchq Constitution; and
2. while the Tłıchq Constitution permits motions from the Tłıchq Assembly, there is no specific power to make a motion to the Tłıchq Assembly or Tłıchq Gathering.

After discussion, it was agreed by Ms. Vukson and the Chair of the Annual Gathering ruled that Ms. Vukson's written presentation and draft motion would be received as a "recommendation" to the Tłıchq Assembly under section 7.1 of the Tłıchq Constitution. A paper copy of Ms. Vukson's presentation and motion were provided to the Laws Guardian.

Major or Minor Amendment to the Tłıchq Constitution

Ms. Vukson's presentation and motion request that the motion be identified as a "minor amendment". The Tłıchq Constitution can be amended in two ways - a "minor amendment" or a "major amendment":

- a) A minor amendment is usually reserved for a more minimal change such as a spelling error or grammar change. It is an amendment whose scale and nature results in an amended section which is not really that much different from the one which has been approved; and
- b) A major amendment is a change that ends up changing the Tłıchq Constitution in a substantive way- with a more significant impact on the Tłıchq Constitution.

The amendment sought by Ms. Vukson is more than minimal. Ms. Vukson recommends to the Tłıchq Assembly that the Tłıchq Constitution be amended to change the eligibility who can vote in a Grand Chief election. The Tłıchq Assembly has decided that Ms. Vukson's request for amendment to 11.3 of the Tłıchq Constitution is a request for major amendment to the Tłıchq Constitution.

As a result, if this request for a major amendment to the Tłıchq Constitution was accepted, section 15.3 of the Tłıchq Constitution process to make such requires

approval of the proposal for the major amendment at two consecutive Annual Gatherings, and then after that, the major amendment must be approved by a ratification vote by eligible Tłıchǰ Citizens.

Section 11.3 of the Tłıchǰ Constitution

Section 11.3 of the Tłıchǰ Constitution states as follows:

11.3 Any Tłıchǰ 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 Mǫwhì Gogha Dè Nıłłèè for two (2) years immediately preceding the vote, is eligible to vote for Grand Chief.

Considering the Recommendation

We have carefully considered the presentation and recommendation of Celine Vukson. The Tłıchǰ Assembly will not support Ms. Vukson's Recommendation for the following reasons:

- a) The Tłıchǰ Constitution was carefully designed. It is no accident that there is a residency requirement for the vote for Grand Chief. The Tłıchǰ Agreement concerns the rights of Tłıchǰ both generally and in relation and connection to our traditional use area - Mǫwhì Gogha Dè Nıłłèè. This is a very large area that contains Tłıchǰ lands, the Wek'èezhli management area, the four Tłıchǰ communities and Yellowknife. It captures the area where the vast majority of Tłıchǰ reside, where Tłıchǰ rights are most affected and where Tłıchǰ people exercise their rights to occupy, harvest animals, trees, plants, and exercise their rights and traditions as they have since time immemorial.
- b) There is a rational connection between the residency in this very large area and the decisions about who should be voted in as the Grand Chief for the Tłıchǰ.
- c) The Tłıchǰ Constitution was voted on by eligible Tłıchǰ in 2003 and was overwhelmingly approved by the Tłıchǰ Nation. Our Elders were involved in the designing of the Tłıchǰ Constitution and were decidedly in favour of making sure that Tłıchǰ who resided in Mǫwhì Gogha Dè Nıłłèè would decide on who should be the Grand Chief. This was not a rejection of non-

resident Tłıchų Citizens but rather a reinforcement of the importance of our traditional use area to our language, culture and way of life.

- d) The residency-restricted right to vote does not deny any other rights as set out in the Tłıchų Constitution.
- e) Tłıchų citizens who wish to come back and reside in Mqwhì Gogha Dè Nııtlèè are always welcome to do so.

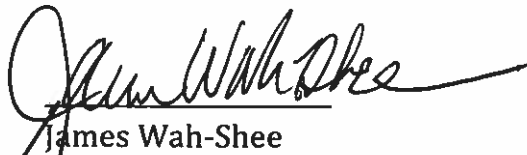
Appeal

Under section 14.3 of the Tłıchų Constitution, Ms. Vukson is entitled to file an appeal of this decision. Such an appeal should be made to the Tłıchų Assembly, the Tłıchų institution that authorized this decision. An appeal can be filed with the Laws Guardian of the Tłıchų.

Conclusion

The Tłıchų Assembly wish to thank Ms. Vukson for her carefully drafted recommendation and for her participation and respectful presentation to the 2018 Annual Gathering and indeed previous Annual Gatherings as well. We should all welcome comments and reflections on our Tłıchų Constitution, on our system of government and listen carefully to the concerns of Tłıchų citizens.

DATED at Gamètì this 30th day of May, 2019


James Wah-Shee
Speaker of the Tłıchų Assembly