

*DA'AX KW'ALAAMS MAN-AYAAWX*

CONSTITUTION OF THE LAX KW'ALAAMS FIRST NATION



*For Community Review & Ratification*

*Da'ax Kw'alaams Man-Ayaawx*

Constitution of the Lax Kw'alaams First Nation

*Sigwaalk* 'light the fire' – Declaration:

1. This Constitution is an expression of the collective self-determination of the Allied Ts'msyen Tribes of Lax Kw'alaams.
2. The Allied Ts'msyen Tribes of Lax Kw'alaams is a coalition of the:
  - Gitlaan – 'Canoe Stern People'
  - Gispaxlo'ots – 'People of the Elderberry'
  - Gilutz'aaw – 'People Inside'
  - Gitandoa – 'People of the Otherside'
  - Gitnadoixs – 'People of the Swiftcurrent'
  - Ginax'angiik – 'People of the Hemlock'
  - Gits'iis – 'People of the Sealtraps'
  - Gitzaxlaał – 'People from the side of'
  - Gitwilgyoots – 'People of the Kelp'
3. The Allied Ts'msyen Tribes of Lax Kw'alaams unite together to *ha'yin* – create, a contemporary Lax Kw'alaams First Nation Government in accordance with this Constitution.
4. Our unity exists in ourselves, our families, our houses, our tribes, our clans, and our shared commitment to build a stronger nation worthy of our ancestors legacy and in keeping with the bright hopeful promise of generations unborn.
5. The Lax Kw'alaams First Nation Government is established in accordance with the *Ayaawx* and *Adaawk* of the Allied Ts'msyen Tribes of Lax Kw'alaams.
6. It is the will of the people of the Allied Ts'msyen Tribes of Lax Kw'alaams to govern ourselves according to our own ancestral customary laws together with contemporary democratic civic government consistent with our inherent right of self-determination.

7. This Constitution celebrates our *laa gigyet* – ancestors, and present and future generations, in promoting the *aygyet* – perpetual expression, of the traditions, relationship to territory, and way of life of the Allied Ts’msyen Tribes of Lax Kw’alaams.
8. *Ła gwelga lak* – the fire has started.

**Da’ax Kw’alaams Man-Ayaawx:**

9. *Da’ax* means ‘terraced house’ in Sm’algyax. Our ancestors adopted the terraced house as a home of governance. Today, the Allied Ts’msyen Tribes of Lax Kw’alaams adopt the terraced house as a symbol of our contemporary government.
10. Within the terraced house, everybody and everything has a place in creation. The *Da’ax Kw’alaams Man-Ayaawx*, is a house of the Allied Ts’msyen Tribes of Lax Kw’alaams, its people, and its *wuk’wootk* – honoured guests. In this house, the fire of self-determination of our ancestors provides warmth and light to all that is within.

**MAXSNSK 'HOUSE POSTS' – FUNDAMENTAL PRINCIPLES:**

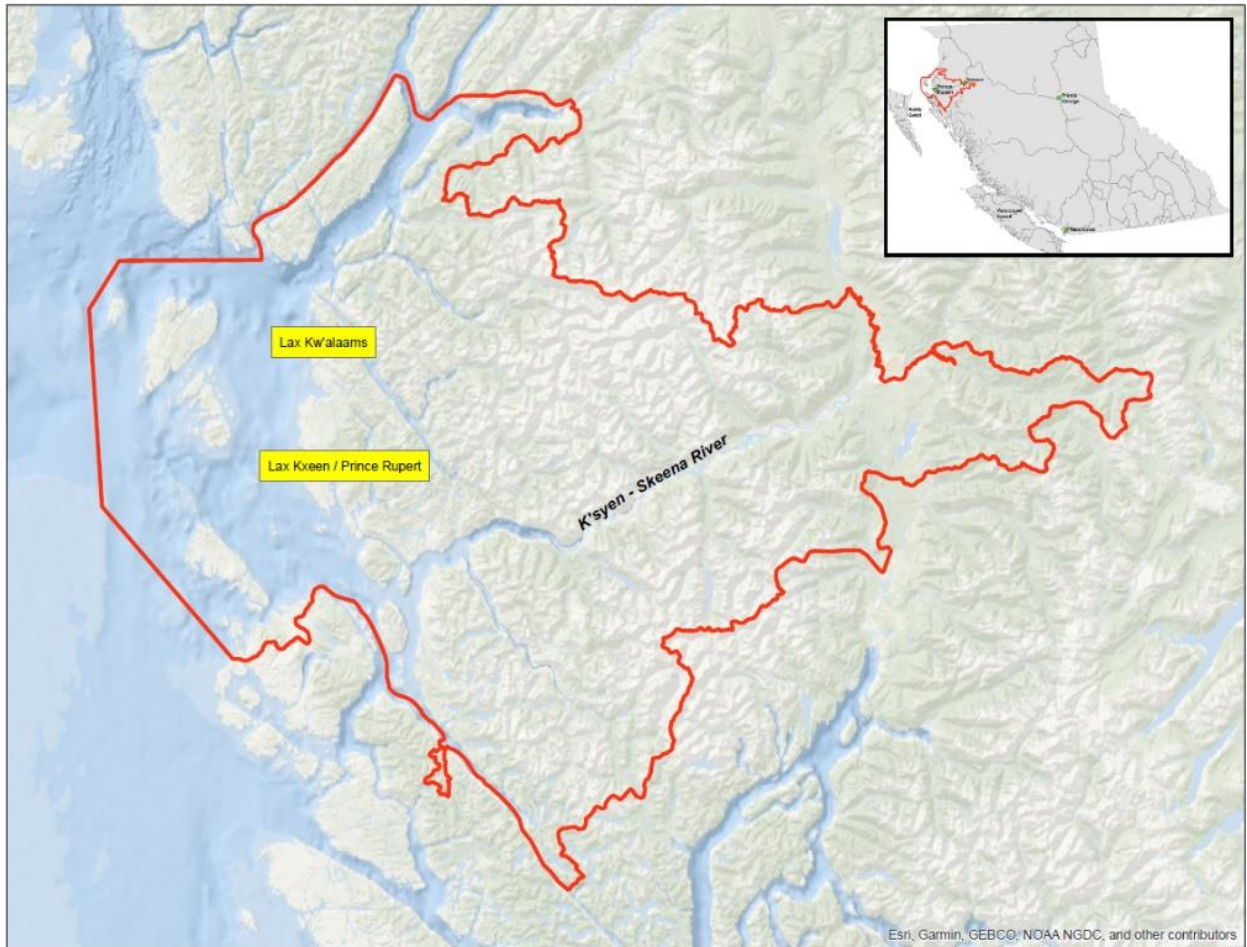
11. This Constitution is animated by the following fundamental values:
  - (1) *Sityaaw* – mutual recognition and *loomsk* – respect among:
    - (i) Hereditary and Civic leadership;
    - (ii) Lax Kw'alaams and its neighbors;
    - (iii) Lax Kw'alaams Citizens; and
    - (iv) Indigenous and non-Indigenous peoples.
  - (2) Incremental, cultural, and contextual transformation.
  - (3) Indigeneity and the importance of place-based identity and way-of-life.
  - (4) Connectedness of all beings including the spirit of the land.
  - (5) *Silmda'axk* – healing, revival and return.
12. The teachings existing within the *Adaawx*, *Malsk*, and *Ayaawx* of the Allied Ts'msyen Tribes of Lax Kw'alaams diduuls – give life and meaning to this Constitution.

**RELATIONSHIP TO LAND & WATERS:**

***Gyemsax* - 'feel at home':**

13. *'Wagayt la'ooy wil sit'aatga na adaawga Ts'msyen.* – time immemorial is when our story began.
14. The Allied Ts'msyen Tribes of Lax Kw'alaams are the original peoples within our *Laxyuup* – territory and have always owned and stewarded Lax Kw'alaams territory according to our inherent jurisdiction to govern ourselves and our *Laxyuup* – territory.
15. The Allied Ts'msyen Tribes of Lax Kw'alaams have never ceded or surrendered our territory or inherent jurisdiction to any other government or people.
16. Lax Kw'alaams citizens maintain a deep relationship with our territory and its natural abundance that is foundational to our culture, language, way of life and inherent jurisdiction to govern ourselves and our territory.
17. The Allied Ts'msyen Tribes of Lax Kw'alaams vest rights, title, and jurisdiction in respect of our territorial lands, waters, and resources for their preservation, development and management to the Lax Kw'alaams First Nation Government.
18. The Lax Kw'alaams Government will govern Lax Kw'alaams territory in accordance with the values and principles expressed in this Constitution.
19. The Lax Kw'alaams Government will promote utilization of the territory to a degree permitting the ongoing wellbeing of Lax Kw'alaams Citizens and the ongoing self-determination of the Allied Ts'msyen Tribes of Lax Kw'alaams.

20. Lax Kw'alaams territory encompasses the following area:



*GALK'OOLKS - 'WARM ONE'S BACK BY THE FIRE'*

**RIGHTS, FREEDOMS & RESPONSIBILITIES:**

21. Lax Kw'alaams citizens have the following rights and freedoms:
- (1) the freedom to practice, protect, and promote the culture, Sm'algyax language, traditions and way of life of the Allied Ts'msyen Tribes of Lax Kw'alaams;
  - (2) the freedom to pursue education enabling meaningful participation in civic, cultural and economic life;
  - (3) freedom of conscience, religion, belief, opinion, expression, association and peaceful assembly;
  - (4) the right to enter, remain, and leave Lax Kw'alaams territory;
  - (5) the freedom to maintain kinship and parental relationships;
  - (6) the right to life and security of the person;
  - (7) the freedom to choose and embody sex, gender, and sexual orientation;
  - (8) the right of equality and equal protection and benefit of the law;
  - (9) The right of due process in governmental or judicial proceedings;
  - (10) the right to reasonable access to governmental information;
  - (11) the right to privacy and protection of personal information;
  - (12) the right to vote in Lax Kw'alaams elections and hold office in the Lax Kw'alaams Government; and
  - (13) such other rights as may be prescribed by Lax Kw'alaams law.

***Güüdisk – Harvesting:***

22. Lax Kw'alaams citizens may hunt, fish, harvest, or otherwise benefit from the bounty and natural abundance of Lax Kw'alaams territory in accordance with customary law, Lax Kw'alaams law and the commitment to collective stewardship in accordance with this Constitution.

***Gyingiin* – Responsibilities of Citizens:**

23. Lax Kw'alaams citizens share responsibility to promote the knowledge, customs, language, traditions, and way-of-life of the Allied Ts'msyen Tribes of Lax Kw'alaams.
24. Lax Kw'alaams citizens share responsibility for the well-being of all Lax Kw'alaams citizens and share a particular responsibility for the protection and well-being of children, elders, and citizens who require greater care.
25. Lax Kw'alaams citizens share responsibility to promote the promise of this Constitution and the integrity of Lax Kw'alaams governing institutions and laws.

**Tribal Continuity & Responsibility:**

26. Lax Kw'alaams citizens share responsibility to participate within the tribal affairs of the Allied Ts'msyen Tribes of Lax Kw'alaams with the aim of promoting the social and cultural continuity of the Allied Ts'msyen Tribes of Lax Kw'alaams.
27. The Allied Ts'msyen Tribes of Lax Kw'alaams, together with the Lax Kw'alaams Government, will promote Lax Kw'alaams citizen participation within the tribal affairs of the Allied Ts'msyen Tribes of Lax Kw'alaams with the aim of promoting the social and cultural continuity of the Allied Ts'msyen Tribes of Lax Kw'alaams.

***Gugwilx'ya'ansk* 'pass through generations' – Cultural Continuity:**

28. All rights, freedoms, and responsibilities expressed in this Constitution are inherited in spirit and intent from the collective vision and self-determination of our ancestors.
29. Living generations of Lax Kw'alaams Citizens exercise their rights, freedoms, and responsibilities in trust for unborn generations, in respect and recognition of living generations own inheritance from our ancestors.
30. Adherence to this generational continuum will maintain, and further strengthen, the promise of collective freedom and self-determination of Lax Kw'alaams people in perpetuity.

***Aap'ax* – 'Remember':**

31. The Lax Kw'alaams Government and its citizens will protect and steward the culture, Sm'algyax language, traditions, natural and healthy state of Lax Kw'alaams Territory, and way of life of the Allied Ts'msyen Tribes of Lax Kw'alaams for future generations.
32. The various Indigenous species, including ordinarily migratory species, within Lax Kw'alaams Territory are entitled to healthy habitat.



33. Consistent with the teachings outlined in *Adaawx*, Lax Kw'alaams citizens will respect the dignity and integrity of the parallel natural, and *naxnox* - supernatural, worlds that exist within the territory.

**Harmonious Interpretation:**

34. The rights, freedoms and responsibilities expressed within this Constitution will be interpreted harmoniously with one another to the greatest extent possible while maintaining the promise and meaning of each right, freedom and responsibility.

**Reasonable limits:**

35. The rights, freedoms and responsibilities expressed within this Constitution are subject to reasonable limits, as may be expressed by Lax Kw'alaams law, that are:
- (1) consistent with maintaining the promise and meaning of each right, freedom, and responsibility; and
  - (2) justified in consideration of individual, collective, democratic, traditional, cultural and environmental interests of Lax Kw'alaams.

**Reserved Rights Doctrine:**

36. Any power, right, or freedom, not expressly ceded, surrendered, conveyed or relinquished by the Allied Ts'msyen Tribes of Lax Kw'alaams is retained.

**Exercise Citizenship Rights:**

37. The Lax Kw'alaams citizens may maintain, exercise, and promote any existing rights or freedoms granted to them as citizens of Canada or any another country.

**LAX KW'ALAAMS FIRST NATION GOVERNMENT:**

**Hybrid Civic and Hereditary Governance:**

38. It is the will of the people of the Allied Ts'msyen Tribes of Lax Kw'alaams to govern ourselves according to our own ancestral customary laws together with contemporary democratic civic government consistent with our inherent right of self-determination.

***Da'ax Kw'alaams* – 'Terraced House of Wild Roses':**

39. The Allied Ts'msyen Tribes of Lax Kw'alaams unite together to express our collective inherent right of self-government and self-determination by creation within this *Da'ax Kw'alaams Man-Ayaawx* – Constitution, a contemporary Lax Kw'alaams First Nation Government comprised of:

- (1) The Lax Kw'alaams Civic Council;
- (2) The Allied Ts'msyen Tribes of Lax Kw'alaams Hereditary Council; and
- (3) the various governing institutions created in accordance with this Constitution and Lax Kw'alaams law.

**Hanaa'nax leadership**

40. As a matrilineal society, who honours the untold generations of hanaa'nax who have led and sustained our people, the Allied Ts'msyen Tribes of Lax Kw'alaams acknowledge the distinct and prominent role hanaa'nax have in a contemporary Lax Kw'alaams First Nation Government and society.

**LAX KW'ALAAMS CIVIC COUNCIL:**

**Plenary Power:**

41. The Lax Kw'alaams Civic Council will be vested with all powers of civic government and may exercise any right, power or privilege, and may carry out any duty, function or obligation, of the Lax Kw'alaams Government, in accordance with this Constitution, and any Lax Kw'alaams law.

**Legislative Function:**

42. The Civic Council is the primary legislative body of the Lax Kw'alaams Government and may propose, approve, amend, and rescind law in accordance with this Constitution and rules of procedure that may be adopted by the Civic Council.
43. The Civic Council may adopt any law of Canada on a consent basis.

***Txa'ax* 'front of house' – Lax Kw'alaams Civic Council Powers:**

44. The Civic Council will have authority over all matters of civic government including, but not limited to, matters within or ancillary to:
  - (1) Governmental administration & procedures;
  - (2) Fiscal & other asset administration;
  - (3) Health & community wellbeing;
  - (4) Administration of justice;
  - (5) Property and civil rights;
  - (6) Economic affairs;
  - (7) Civic affairs;
  - (8) Child Welfare
  - (9) Wills & Estates
  - (10) Public institutions;
  - (11) Citizenship;
  - (12) Education;

- (13) Shelter & Infrastructure;
- (14) The relationship with other governments; and
- (15) Territorial stewardship & resource administration, including, but not limited to:
  - (i) designation and zoning of Lax Kw'alaams territory;
  - (ii) processes for acquiring interests in Lax Kw'alaams territory; and
  - (iii) consultation and public involvement in land use and development planning.

**Executive Function:**

45. The Civic Council will:
  - (1) Manage the financial affairs of the Lax Kw'alaams Government;
  - (2) Manage intergovernmental relations;
  - (3) Manage the Lax Kw'alaams public service;
  - (4) Manage Lax Kw'alaams Government program and service delivery;
  - (5) Manage property held by the Lax Kw'alaams Government;
  - (6) Manage relationships with industry, labour, and civil society organizations; and
  - (7) Exercise, or delegate, any other executive function of civic government.

***Sagaytwaal* – Composition:**

46. The Civic Council will consist of one elected Chief Councillor and ten elected Civic Councilors.
47. Civic Councilors will be Lax Kw'alaams citizens.
48. The Civic Council, and its individual Councilors, will uphold, defend, and respect this Constitution.

**Term of Office:**

49. The term of office of the Chief Councilor and Civic Councilors will be 4 years.

**Election:**

50. Election of the Chief Councillor and Civic Councilors will occur pursuant to this Constitution and any Lax Kw'alaams law.

**Chief Councilor:**

51. There will be a Chief Councilor of the Civic Council that is the head of the Lax Kw'alaams Government and head of the Lax Kw'alaams Civic Council.
52. The Chief Councilor has only those powers entrusted to the Chief Councilor under this Constitution and under any Lax Kw'alaams law.

***K'wūnuu* – General Referrals to Hereditary Council:**

53. The Civic Council may refer a matter to the Hereditary Council for guidance at any time, and in particular may seek guidance in respect of customary practices, traditional laws, and other matters related to the culture and society of the Allied Ts'msyen Tribes of Lax Kw'alaams.

***Mangyet* – Hereditary Advisors:**

54. The Civic Council will welcome Hereditary Representatives as observers and advisors.

***Yawlmx* - Transparency:**

55. The Civic Council, by enactment of law, will establish processes for access to information related to government affairs subject to reasonable limits prescribed by law.

**WILGAGOOSK - LAX KW'ALAAMS HEREDITARY COUNCIL:**

***Amhalaayt* – Hereditary Council Role:**

56. The Lax Kw'alaams Hereditary Council will act as an independent branch of Lax Kw'alaams Government by expressing Allied Ts'msyen Tribes of Lax Kw'alaams values, customs, and traditions in the best interests of all Lax Kw'alaams Citizens.
57. The Hereditary Council will respect and uphold the promise of contemporary self-government expressed by the united creation of the Lax Kw'alaams Government, law, and governing institutions.
58. Leaders of the Allied Ts'msyen Tribes of Lax Kw'alaams, including those Hereditary Council Leaders appointed to the Hereditary Council, will promote participation in tribal affairs of Lax Kw'alaams citizens.

***Stuup'l* 'Back of House' – Hereditary Council Powers:**

59. The Lax Kw'alaams Hereditary Council will:
  - (1) Provide leadership in promoting Allied Ts'msyen Tribes of Lax Kw'alaams cultural, social, and ceremonial practices and way-of-life according to our *Adaawx* and *Ayaawx*;
  - (2) Deliberate on any matter of social or cultural importance to the Allied Ts'msyen Tribes of Lax Kw'alaams;
  - (3) Provide guidance on any matter within the authority of the Lax Kw'alaams Civic Council, upon request of the Civic Council, or as prescribed by law;
  - (4) Represent the Lax Kw'alaams Government in a ceremonial capacity; and
  - (5) Confer *amadaalx* – honours for and on behalf of the Allied Ts'msyen Tribes of Lax Kw'alaams;

***Hayetsk* - Decision Making:**

60. The Hereditary Council will conduct their affairs in accordance with the customs and traditions of the Allied Ts'msyen Tribes of Lax Kw'alaams.

***Sagaytwaal* - Composition:**

61. The Hereditary Council will consist of one appointed representative from each of the nine Allied Ts'msyen Tribes of Lax Kw'alaams, one of whom will serve as the Hereditary Council Spokesperson.
62. Hereditary Council Representatives will be Lax Kw'alaams citizens.

***Maxsk* - Appointment of Hereditary Council Representatives:**

63. Each respective tribe of the Allied Ts'msyen Tribes of Lax Kw'alaams may appoint a single representative to the Hereditary Council.
64. In making appointments of representatives to the Hereditary Council, leaders and members of respective tribes will consider:
  - (1) knowledge of Allied Ts'msyen Tribes of Lax Kw'alaams territory, traditions, language, values, customs and traditions and other social or ceremonial attributes;
  - (2) political, administrative, and governmental acumen;
  - (3) the importance of hanaa'nax – women as leaders;
  - (4) ability to uphold the promise and principles of this Constitution; and
  - (5) any other attribute of significance to that tribe.
65. If a tribe is unable to appoint a representative, the Hereditary Council may implement a dispute resolution process to guide tribal representation in the interest of all citizens.

***Galm'algyax* – Hereditary Council Spokesperson:**

66. The Hereditary Council will appoint a principle representative who is responsible for providing overall political, administrative and social leadership of the Hereditary Council by:
  - (1) Convening regular meetings of the Hereditary Council;
  - (2) Liaising with an Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat as prescribed by Lax Kw'alaams law;
  - (3) Acting as the primary contact person for all matters within the authority of the Hereditary Council;

- (4) Acting as the principle spokesperson, where appropriate, when dealing with collective tribal affairs;
- (5) Delegating responsibilities, on specified terms, upon consultation and approval of the Hereditary Council;
- (6) Demonstrating leadership in resolving issues arising from tribal affairs, including with the assistance of judicial bodies where appropriate; and
- (7) Acting as a champion of this Constitution and the collective promise of united Allied Ts'msyen Tribes of Lax Kw'alaams governance as expressed through the creation of the Lax Kw'alaams Government.

***Ha'ligoot* – Referral to Civic Council:**

67. On consensus of Hereditary Council Representatives, the Hereditary Council may refer issues of importance to the Civic Council for consideration.

**Civic Council Representation:**

68. The Hereditary Council may appoint Hereditary Council Representatives to participate in the affairs of the Civic Council as observers and advisors.

**Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat:**

69. The Lax Kw'alaams Civic Council will, by enactment of law, establish an Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat to support the Allied Ts'msyen Tribes of Lax Kw'alaams.
70. Any Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat law will enable the Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat to support tribal affairs including:
  - (1) Providing administrative support to the Hereditary Council;
  - (2) Maintaining records of tribal names, lineage, crests and customary titles;
  - (3) Research & genealogy; and
  - (4) Administrative support for gatherings and other events.
71. The Allied Ts'msyen Tribes of Lax Kw'alaams Secretariat will be a Public Institution.



**LAW MAKING:**

72. The Lax Kw'alaams Civic Council will establish procedures to:
- (1) *Gyiwilanool* - Develop and pass Lax Kw'alaams law;
  - (2) *Liit'am* - Bring Lax Kw'alaams law into force and effect; and
  - (3) *Daalx* - Publish Lax Kw'alaams law.
73. The procedure for passing Lax Kw'alaams law will require that at least a majority of those who vote on a proposed Lax Kw'alaams law vote in favour of the law;

***Ts'aalt* – Hereditary Council Guidance:**

74. The Civic Council will refer proposed law to the Hereditary Council for review prior to enactment.

***T'amiiis* – Registry of Laws:**

75. The Lax Kw'alaams Civic Council will establish and maintain a public registry of Lax Kw'alaams law.
76. The laws of the Lax Kw'alaams Government are *Ayaawx*.

**SGAN LAX KW'ALAAMS – PUBLIC INSTITUTIONS:**

77. The Lax Kw'alaams Civic Council may establish Lax Kw'alaams Public Institutions by enactment of law to perform functions of the Lax Kw'alaams Government.

**Mandate:**

78. The Lax Kw'alaams Civic Council, with guidance from the Hereditary Council, may provide each Lax Kw'alaams Public Institution with a mandate, instructions, and feedback consistent with that Lax Kw'alaams Public Institution's purpose.

**Director:**

79. Each Lax Kw'alaams Public Institution will have a director appointed by the Civic Council in accordance with Lax Kw'alaams law.

**Neutrality:**

80. Lax Kw'alaams Public Institutions will be neutral, equitable, efficient, and function for the benefit of all Lax Kw'alaams citizens.

**Annual Plan:**

81. Each Lax Kw'alaams Public Institution will provide to the Civic Council, and the Hereditary Council, a plan containing goals and objectives and an outline of steps to achieve those goals and objectives including fiscal and resource requirements on an annual basis for approval.
82. Annual plans prepared by public institutions will be made available to citizens.

## ADMINISTRATION OF JUSTICE:

### **Self Determination:**

83. Administration of Justice is a core aspect of Lax Kw'alaams self-determination.

### **Inherent & Original Jurisdiction:**

84. The Lax Kw'alaams Civic Council may, by enactment of law, establish judicial institutions with inherent and original jurisdiction to:

- (1) Interpret Lax Kw'alaams law;
- (2) Determine the validity of Lax Kw'alaams law;
- (3) Resolve or adjudicate violations of Lax Kw'alaams law;
- (4) Resolve or adjudicate matters arising under Lax Kw'alaams law;
- (5) Adjudicate matters between citizens by application;
- (6) Hear appeals or reconsiderations of decisions made by any decision maker with powers of decision pursuant to Lax Kw'alaams law; and
- (7) Exercise all the powers conferred and perform all the duties imposed by or under this Constitution and any Lax Kw'alaams law in relation to all matters before it.

### **Hereditary Guidance in the Validity of Laws:**

85. Judicial institutions may consider any legislative guidance by the Hereditary Council in the adjudication of the validity of Lax Kw'alaams law.

### **Justice & Fundamental Values:**

86. Lax Kw'alaams administration of justice is rooted within Tsimshian customary and traditional processes for resolving disputes inherited from our ancestors.

87. In hearing or adjudicating any matter, Lax Kw'alaams judicial institutions will promote:

- (1) The collective nature of Lax Kw'alaams society;
- (2) Lax Kw'alaams relationship and responsibilities to its territory;

- (3) Traditional knowledge and customs, spiritual beliefs and practices, language and oral history existing within Lax Kw'alaams society and culture;
- (4) Reconciliation of Lax Kw'alaams law with other sources of law;
- (5) Healing, mutual respect, fairness, integrity, honesty, responsibility, rehabilitation, and accountability of all beings connected to Lax Kw'alaams.

**Enabling legislation:**

88. Lax Kw'alaams law establishing judicial institutions will ensure that principles of judicial independence, impartiality and fairness apply to Lax Kw'alaams judicial institutions.

***Sityaawda goot* 'change of mind' – Judicial Review and Appeal:**

89. The Lax Kw'alaams Civic Council will establish processes for review or appeal of administrative decisions made by the Lax Kw'alaams Government and Lax Kw'alaams Public Institutions.

**AAM LA WAAL - CODE OF CONDUCT:**

90. The Lax Kw'alaams Civic Council will make law providing for the standard of conduct of Lax Kw'alaams Government Councilors, Representatives and Directors.
91. The whole of the Lax Kw'alaams Government including each public institution, and all persons or bodies performing functions of the Lax Kw'alaams Government will:
  - (1) be loyal to the Lax Kw'alaams people, and respect this Constitution;
  - (2) preserve and promote the peace, unity and well-being of Lax Kw'alaams citizens;
  - (3) provide good, effective, and accountable government;
  - (4) exercise their powers, duties, and responsibilities in trust for all generations of Lax Kw'alaams people.

**ALGYAX- LANGUAGE:**

92. The languages of the Lax Kw'alaams Government are Sm'algyax and English.
93. The Lax Kw'alaams Government will encourage the use of Sm'algyax.

**FINANCIAL ADMINISTRATION & ACCOUNTABILITY:**

94. The Lax Kw'alaams Civic Council will enact a Financial Management and Administration law through which the Lax Kw'alaams Government will be financially accountable to its citizens.

**CITIZENSHIP:**

95. The Lax Kw'alaams Civic Council will enact a law in respect of Lax Kw'alaams citizenship which will set out:
  - (1) the basis for individuals being entitled to Lax Kw'alaams citizenship;
  - (2) the processes and procedures for applying for citizenship; and
  - (3) the processes and procedures for appealing decisions about entitlement to citizenship

**Lax Kw'alaams Members are Citizens:**

96. All existing members of the Lax Kw'alaams First Nation or Lax Kw'alaams Band are Lax Kw'alaams citizens.

**Birthright Citizenship**

97. Any child of a Lax Kw'alaams citizen is entitled to be a Lax Kw'alaams citizen

**Disenrollment:**

98. The total citizenship of Lax Kw'alaams will be maintained.

**KSI NIKNIITS– ELECTIONS:**

99. The Lax Kw’alaams Civic Council will make laws in respect of elections and referendums, including the establishment of:
- (1) qualifications of voters;
  - (2) qualifications of candidates for election to office;
  - (3) the independent office of Chief Electoral Officer to administer elections and referenda;
  - (4) procedures for the conduct of elections and referenda; and
  - (5) areas or locations within which elections or referenda will be held.

***Gox* – Hereditary Recognition:**

100. The Hereditary Council will endorse the result of any election or referendum of citizens held in accordance with this Constitution and Lax Kw’alaams law.

**REFERENDUM & CITIZEN CONSULTATION:**

101. The Lax Kw’alaams Civic Council, by enactment of law, will establish procedures for conducting referenda.
102. At minimum, the procedures for conducting referenda will provide for:
- (1) Notice of referenda be available to all citizens at least thirty days before the voting date;
  - (2) At least two information meetings be held regarding the subject matter; and
  - (3) A referendum will not be considered passed unless a majority of voters, who vote in the referendum, vote in favour of the decision or question.

***Amlahaw* – Citizen Consultation:**

103. The Lax Kw’alaams Civic Council, by enactment of law, will establish processes of consultation with Lax Kw’alaams Citizens on matters:
- (1) of importance to Lax Kw’alaams Citizens;

- (2) that meaningfully impact the collective interests of the Allied Ts'msyen Tribes of Lax Kw'alaams;
- (3) that meaningfully impact the rights, freedoms, and responsibilities within this Constitution; and
- (4) such other rights that may be held or acquired by the Lax Kw'alaams Government or its citizens.

#### **AMENDMENT & REVIEW:**

104. This Constitution may be amended only in accordance with the following procedures:

- (1) The Civic Council will propose an amendment.
- (2) The Civic Council will refer the amendment to the Hereditary Council which will consider whether the proposed amendment is consistent with the values and principles of the Lax Kw'alaams First Nation and will report the result of its consideration to the Civic Council within the time period specified in the referral.
- (3) The Civic Council may edit the proposed amendment according to the guidance received from the Hereditary Council and determine whether to proceed with the proposed amendment.
- (4) If the Civic Council decides to proceed with the proposed amendment, the Chief Councillor will request that a referendum be held in accordance with Lax Kw'alaams law.
- (5) If a majority of Citizens voting in the referendum vote in favour of the proposed amendment, this Constitution is amended accordingly.

#### **RATIFICATION:**

105. This constitution will have force and effect when approved by majority of voters who vote in a referendum held for the purpose of ratification of this constitution.

**WA'ANSK - SUPREMACY:**

106. This Constitution is the superior law of the Lax Kw'alaams First Nation Government.

**Jus Cogens:**

107. The Lax Kw'alaams Government will respect peremptory norms of general international law.



**TRANSITIONAL PROVISIONS:**

108. The Lax Kw'alaams First Nation Government is the successor government to the Lax Kw'alaams Band.
109. All property and interests held directly or indirectly by the Lax Kw'alaams Band will be held and managed by the Lax Kw'alaams First Nation Government.
110. The Lax Kw'alaams Civic Council may exercise any power or authority of the Lax Kw'alaams Band under the laws of Canada.
111. The inaugural Civic Councilors will be those elected Councilors of the Lax Kw'alaams Band at the time of ratification of this Constitution.
112. The inaugural Chief Councilor will be the elected Mayor of Lax Kw'alaams Band at the time of ratification of this Constitution.
113. The inaugural Civic Council will call a general election of the Chief Councilor and Civic Council positions within three years of the ratification of this Constitution.
114. The existing administration of the Lax Kw'alaams Band will be managed by the Lax Kw'alaams Civic Council and will continue according to existing policies and procedures until altered or amended by the Civic Council.
115. Lax Kw'alaams Band affiliated organizations, departments, societies, companies, and other affiliated entities will each submit transition plans to the Civic Council, within one year of the ratification of this Constitution, that outline steps to operate within the Lax Kw'alaams First Nation Government structure.
116. Disputes arising under Lax Kw'alaams law, including challenging the validity of Lax Kw'alaams law, may be adjudicated by a Canadian Court, until such time as Lax Kw'alaams establishes a judicial body of original jurisdiction.
117. Before a person may challenge the validity of a Lax Kw'alaams law, that person must first exhaust any other procedures established by Lax Kw'alaams law for challenging the validity of that law.
118. The leaders of the Allied Ts'msyen Tribes of Lax Kw'alaams will take steps to appoint representatives to the Hereditary Council.