

# HAIDA NATION



Location: Haida Gwaii

Population: 4,000

Date of Constitution: 2010

## HAIDA PROCLAMATION

“The Haida Nation is the rightful heir to Haida Gwaii. Our culture is born of respect; and intimacy with the land and sea and the air around us. Like the forests, the roots of our people are intertwined such that the greatest troubles cannot overcome us. We owe our existence to Haida Gwaii. The living generation accepts the responsibility to insure that our heritage is passed on to following generations. On these islands our ancestors lived and died and here too, we will make our homes until called away to join them in the great beyond.”

SHIP Translation of the Haida Proclamation:

*“lid kuuniisii asii id gii isda gan. Tllgaay ad siigaay Gan t’alang aaxana ad yahguudang. Huu tllguu Giidan hlk’inxaa gaa.ngang xaayda hllnga.aay gud giijaagids, gaay Gaaganuu gam gina daaGang.nga id gwii is hllnga Gang ga. XaaydaGa Gwaay.yaay Gaaganuu iid xaynanga ga. Asii gwaay.yaay guu, iid kuuniisii xaynang.nga, ad siing.gwaa’ad gan. Sah ‘Laana Tllgaay Gaa id gii kyaagang.ngaay Gaaw aan t’ang naaxang sGwaan.nang Gas ga. lid sihlGa ga xaynangas gii t’alang t’aas.slas, asii kyang.gaay llgaay ‘waagii kilxii gang ga.”*

## ARTICLE 1 HAIDA TERRITORIES

A1. S1 The Territories of the Haida Nation include the entire lands of Haida Gwaii, the Surrounding waters, sub-surface and the air space. The waters include the entire Dixon Entrance, half of the Hecate Straits, halfway to Vancouver Island and Westward into the abyssal ocean depths.

(a) The Haida recognizes the independent and separate jurisdiction of the Kaigani Haida.

## ARTICLE 2 THE PEOPLE

A2. S1 All people of Haida Ancestry are citizens of the Haida Nation.

A2. S2 The Haida Nation reserves the exclusive right to determine additional Haida Citizenship through a formal process accepted by the Haida Nation. As amended at the 2010 House of Assembly President Council of the Haida Nation 2

#### ARTICLE 3 RIGHTS AND FREEDOMS

##### A3.S1 Collective Haida Rights:

- (a) The Haida Nation collectively holds Hereditary and Aboriginal Title and Rights to Haida Territories.
- (b) The Haida Nation collectively holds Cultural and Intellectual property rights of the Haida Nation and will protect the integrity of same.

##### A3.S2 Individual Rights:

- (a) Every Haida Citizen has a right of access to all Haida Gwaii resources for cultural reasons, and for food, or commerce consistent with the Laws of Nature, as reflected in the Laws of the Haida Nation.
- (b) Every Haida Citizen has the freedom to remain, enter, or leave the Territories of the Haida Nation.
- (c) Every Haida Citizen has the right to hold other Citizenship as they choose.
- (d) Every Haida Citizen has the right of conscience, religion, thought, belief, opinion, expression, association, and privacy.
- (e) The official languages to the Haida Nation shall be Haida and English.
- (f) Every Haida Citizen shall have access to all public records of CHN except in the case of someone found to be guilty of or suspected of treasonous acts, in which case, he/she will be informed of the reason for denying access.
- (g) No Natural born Haida Citizen can have their Haida Citizenship taken from them.

#### ARTICLE 4 HAIDA CITIZEN PARTICIPATION

A4. S1 Any voting eligible Haida Citizen may propose policy legislation and vote to determine whether or not it is adopted, at the House of Assembly.

A4. S2 The voting Haida Citizens of the Nation will elect Representatives to the CHN, pursuant to CHN Election Procedures.

A4. S3 Any Haida Citizen may attend and participate in CHN meetings, and will be subject to the CHN Rules of Order. As amended at the 2010 House of Assembly President Council of the Haida Nation 3

A4. S4 The decisions of the voting Haida Citizens of the Haida Nation, at a House of Assembly will be binding upon the CHN.

A4. S5 Haida Citizens may through constituted means, recall any or all members of the elected CHN.

A4. S6 All International Agreements, which go beyond the Mandate as laid out in Article 8, must be ratified by at least  $\frac{3}{4}$  of the votes cast by a referendum vote of eligible voting Haida Citizens.

A4. S7 Consenting Haida Citizens may receive an appointment from CHN for specific tasks. Citizens may have such appointment rescinded by CHN.

A4. S8 Voting Haida Citizens are persons of Haida Ancestry who are 16 years of age or older on the day of voting.

#### ARTICLE 5 HAIDA CITIZENSHIP BY ACQUISITION

A5. S1 Adoption of persons not of Haida Ancestry by Haida families does not confer Haida hereditary or aboriginal rights to the land or right to citizenship of the Haida Nation.

A5. S2 No external government or judiciary may impose rights of Haida Citizenship to an individual who is not entitled by Haida ancestry.

A5. S3 “Citizen of Haida Gwaii” is an honorary designation, which may be conferred to a person who is not of Haida Ancestry. Such bestowal shall not be construed as granting of Haida Citizenship or Haida Hereditary or Aboriginal Rights.

#### ARTICLE 6 THE HOUSE OF ASSEMBLY

A6. S1 The lawmaking authority of the Nation shall be vested in the House of Assembly.

A6. S2 Resolutions and motions at the House of Assembly will be valid with the approval of  $\frac{3}{4}$  of the votes cast.

A6. S3 The House of Assembly may establish Tribunals of exclusive jurisdiction.

A6. S4 The House of Assembly will be held the second week of October of each year.

A6. S5 Additional sittings of the House of Assembly may be held throughout the year with twenty (20) days’ notice given by CHN. As amended at the 2010 House of Assembly President Council of the Haida Nation 4

A6. S6 Annual House of Assemblies shall alternate between Skidegate and Old Massett.

A6. S7 The quorum of the House of Assembly shall be forty (40) voting eligible Haida Citizens. Such number shall be confirmed present by the presiding Assembly Chair prior to any votes being made.

A6. S8 House of Assemblies shall be called by the Vice President of the Haida Nation, or CHN designate, with twenty (20) days public notice.

A6. S9 The Vice President of the Haida Nation or CHN designate shall ensure the house of Assembly is audio and written recorded.

A6. S10 The CHN Administrative staff and CHN Representatives shall assist the Vice President of the Haida Nation in implementing the convening of a HOA.

A6. S11 By petition and signature, submitted to CHN, one hundred (100) voting eligible Haida citizens may call for a Special House of Assembly. The Vice President of the Haida Nation shall call and implement this House of Assembly no later than thirty (30) days of receiving the petition.

- (a) Hereditary Chiefs' Council determines whether there are grounds for holding a Special House of Assembly.
- (b) Special House of Assembly Agendas will only deal with the items brought forward in the petition; and to be signed off by the Vice President of the Haida Nation.
- (c) Petitions will be reviewed based on existing CHN/HTS approved policies, procedures and regulations.

A6. S12 The President; Vice President; and the CHN Massett, Skidegate, Vancouver and Prince Rupert Representatives shall attend and participate at all House of Assemblies.

#### ARTICLE 7 COUNCIL OF THE HAIDA NATION

A7. S1 The Governing Power of the Haida Nation shall be vested in the Council of the Haida Nation (CHN).

A7. S2 The CHN shall be elected by the voting Citizens of the Haida Nation.

A7. S3 The CHN shall consist of the President and the Vice President, and four (4) Regional Representatives each of Massett and Skidegate, Four (4) Regional Representatives proportionately distributed to off-Island Regional Councils, and one appointment by each of the Village Councils of Old Massett and Skidegate. As amended at the 2010 House of Assembly President Council of the Haida Nation 5

- (a) Elected CHN Representatives may not hold an elected position on a Village Council.
- (b) The terms of office are three years.

A.7.S4 The CHN will develop and enact policies pursuant to legislation adopted at the House of Assembly and in accordance with this Constitution.

A.7.S5 CHN Representatives will uphold the principles and dignity of the Haida Nation at all times.

A.7.S6 The CHN shall uphold the principles embodied in the Haida Accord enacted by Hereditary Chiefs, Council of the Haida Nation, Old Massett Village Council, Skidegate Band Council.

#### ARTICLE 8 MANDATE AND RESPONSIBILITIES OF THE COUNCIL OF THE HAIDA NATION

A.8.S1 The Mandate of the Council of the Haida Nation is Haida Gwaii and surrounding waters.

A.8.S2 CHN shall strive for the full independence, sovereignty, and self-sufficiency of the Haida Nation.

A.8.S3 CHN shall perpetuate Haida heritage and cultural identity, and will enact Policies for same.

A.8.S4 CHN shall protect the Domestic and Foreign interests of the Haida Nation and Territories through long-term strategies, negotiations, and steps consistent with the objectives of the Haida Nation.

A.8.S5 CHN shall promote a peaceful co-existence with other people and governments without compromise to the objectives of the Haida Nation.

A.8.S6 CHN shall establish land and resource policies consistent with nature's ability to produce. The Policies will be applicable to all users of the Territories.

A.8.S7 CHN shall regulate access to resources by Citizens of the Haida Nation and other users of Haida Gwaii.

- (a) CHN through open and transparent consultation will develop processes that will be implemented for the use and the allocation of potential benefits derived from the resources of Haida Gwaii for the benefit of the Haida Nation. As amended at the 2010 House of Assembly President Council of the Haida Nation 6

A.8.S8 CHN shall conduct the external affairs of the Haida Nation.

A.8.S9 CHN shall provide for the Common Defense of the Haida Nation.

A.8.S10 CHN shall keep the Citizens of the Haida Nation fully informed and shall keep a Record of Proceedings, and from time to time publish reports on the activities of CHN, excepting such parts as may in their judgment, require confidentiality. CHN will publish "Haida Laas" as the official publication of the Haida Nation.

A.8.S11 CHN shall establish election procedures, which must be adopted by the House Assembly.

A.8.S12 CHN may delegate a consenting Haida Citizen to represent CHN on specific matters. Any Haida Citizen so delegated may have this responsibility rescinded by CHN.

A.8.S13 CHN shall maintain a Secretariat:

- (a) The Secretariat shall be called "Secretariat of the Haida Nation." This Secretariat will include representatives of Council of the Haida Nation, Old Massett Village Council and Skidegate Band Council and the Hereditary Chiefs Council. The

- Secretariat will report to Council of the Haida Nation and to the House of Assembly.
- (b) The Secretariat will administer the Haida Nation Treasury and Holdings and manage the programs and staff of the Haida Nation, as directed by the CHN.
  - (c) Pursuant to the Policies and Directive of the CHN, the Secretariat may:
    - (i) Borrow money on the credit of the Haida Nation with consent of the Council of the Haida Nation.
    - (ii) Regulate commerce with Foreign Nations and among domestic communities.
    - (iii) Coin money and regulate the value thereof.
    - (iv) Lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and costs associated to supporting the Haida Governance; and provide for the general Welfare of the Haida Nation.
    - (v) Employ such persons or institutions deemed necessary by the CHN to carry out the CHN mandate. As amended at the 2010 House of Assembly President Council of the Haida Nation 7

A.8.S14 CHN may establish committees, institutions, and other processes to carry out the CHN mandate.

## ARTICLE 9 COMPOSITION OF THE COUNCIL OF THE HAIDA NATION

### A.9.S1 The CHN Executive Representatives

#### (a) The President of the Haida Nation

The President sits as the Chief Executive Officer and is the political leader and first speaker of the Haida Nation.

- (i) The President is responsible to regulate the activities of CHN in a manner consistent with the Constitution of the Haida Nation.
- (ii) The term of office of the President shall be three (3) years.
- (iii) The President must be a natural born Citizen of the Haida Nation.
- (iv) The President must reside on Haida Gwaii within sixty (60) days of election.
- (v) The President shall take direction from the CHN.
- (vi) The President, with consent of CHN, may appoint a specific portfolio to a CHN Representative. Through the same process, appointments may be rescinded.
- (vii) The President, with consent of CHN, may appoint specific tasks to any consenting Haida Citizen. Through the same process, appointments may be rescinded.

#### (b) The Vice President of the Haida Nation

The Vice President is the second speaker of the Haida Nation.

- (i) The term of the office of the Vice President shall be three (3) years.
- (ii) The Vice President must be a natural born Citizen of the Haida Nation.
- (iii) The Vice President must reside on Haida Gwaii within sixty (60) days of an election. As amended at the 2010 House of Assembly President Council of the Haida Nation 8
- (iv) The Vice President shall take direction from CHN.

- (v) The Vice President shall call the sittings of CHN, and shall oversee CHN activities.

A.9.S2 Regional CHN Representatives:

- (a) The term of office of the CHN Regional Council Representatives shall be three (3) years.
- (b) CHN Regional Representatives must be natural born Citizens of the Haida Nation.
- (c) CHN Regional Representatives shall have one (1) vote on all matters in CHN requiring a vote.
- (d) The CHN Regional Councils shall be established and organized to represent Haida Citizens. CHN Regional Councils will form the base for consultation and participation between CHN and Haida Citizens.
- (e) Regional Council Elections shall be coordinated with general Elections of CHN.
- (f) CHN Regional Council Representation and structural organization shall be consistent with the Constitution of the Haida Nation.

A.9.S3 Executive Committee

- (a) The CHN shall establish an Executive Committee to conduct the affairs of CHN between regular sittings. This Committee shall be accountable to the full CHN.
- (b) The Executive Committee shall consist of one (1) CHN Representative from each of Massett and Skidegate, including the President and Vice President and will not exceed four (4) elected representatives.

A.9.S4 Departure of Council of the Haida Nation Representatives In the case of departure of any CHN Representative due to resignation, disability, discharge, or loss of life, the CHN Election Regulations shall apply.

- (a) PRESIDENT: The powers and duties of the President will be passed to the Vice President forthwith. As amended at the 2010 House of Assembly President Council of the Haida Nation 9
- (b) VICE PRESIDENT: CHN shall, from among their numbers, select a new Vice President.
- (c) In the case of departure of both President and Vice President a House of Assembly will be convened by the CHN Representatives, and the House of Assembly shall decide which CHN Representatives will fill those seats, or may call a general election.
- (d) CHN Regional Representatives: An Alternate will fill the vacancy, or the CHN Regional Council may choose to have a by-election.
- (e) In the case of departure of any CHN Representative, positions of appointment may be recalled or re-appointed by CHN.

A.9.S5 Limitations of Council of Haida Nation Members

- (a) Any public representation must be consistent with adopted policy of the CHN.
- (b) Interpretations of CHN Policy shall be determined by  $\frac{3}{4}$  vote of CHN quorum majority.
- (c) All CHN Representatives must act and be seen to be acting in the best interest of the Nation.

- (d) No Executive Member or CHN Regional Council Representative or person or entity engaged by CHN may use their position or privileged information acquired in the relationship with CHN for personal or other gain.

## ARTICLE 10 SITTINGS OF THE COUNCIL OF THE HAIDA NATION

A.10.S1 Regular sittings of the CHN will be held quarterly, according to the seasons of the year.

A.10.S2 Special sittings may be called by written notice signed by the President or Vice President of the Haida Nation, or by the majority of the CHN, and at such sittings the CHN may transact any business and take any actions within its powers.

A.10.S3 At all sittings of the CHN, a quorum shall consist of eight (8) Representatives, no business shall be transacted unless there is a quorum.

A.10.S4 Whether assembled or not, a CHN quorum shall be able to transact any business or take any action within the powers of the CHN, provided that CHN has fully consulted each CHN Representative. Provision must be made for evidencing the As amended at the 2010 House of Assembly President Council of the Haida Nation 10 concurrence of the quorum in writing, which shall be transmitted to the President for preservation in the Record of Proceedings.

A.10.S5 Forty (40) Haida, by petition to the Vice President of the Haida Nation or a quorum of CHN, may call a sitting of the CHN within fourteen (14) days of receipt of petition by the Vice President.

- (a) The Hereditary Chiefs' Council will review petitions to determine whether there are grounds for holding a special sitting of the Council of the Haida Nation.
- (b) Special sitting of the Council of the Haida Nation will only deal with the items brought forward in the petition; and will be signed by the Vice President of the Haida Nation.
- (c) Petitions for a special sitting of CHN will be reviewed based on existing Council of the Haida Nation and the Secretariat of the Haida Nations' approved policies, procedures and regulations.

A.10.S6 Quarterly and regularly scheduled meetings, at which a quorum of CHN sits, shall be widely advertised to the Haida Public by the Vice President at least seven (7) days prior to the sitting.

A.10.S7 Each CHN Representative is entitled to cast one vote.

A.10.S8 All votes in CHN are recorded in the Record of Proceedings of CHN.

A.10.S9 Activities of the CHN will be decided by a majority vote of  $\frac{3}{4}$ .

## ARTICLE 11 RECALL, REMOVAL, AND FORFEITURE



A.11.S1 Any Representative who, in the line of duty, is cited for neglect of duty, servitude, and public activity disrespectful to the dignity of office shall receive a notice of conduct from a  $\frac{3}{4}$  majority of the CHN.

- (a) The Hereditary Chief's will be notified of all notice of conducts served.
- (b) Decisions of conduct made by the CHN must be pursuant to the Haida Constitution; Haida Accord; HOA Legislation; and CHN Policies.

A.11.S2 CHN may issue a second notice of conduct, which may be a call for resignation or removal from CHN. As amended at the 2010 House of Assembly President Council of the Haida Nation 11

A.11.S3 Any petition for Recall, Removal, or Forfeiture shall be presented to the CHN and the Hereditary Chief's Council for review and may result in a notice of conduct or a call for resignation or removal from CHN.

- (a) Any Petition must contain signatures of  $\frac{3}{4}$  of last votes cast for the Representative, or 50 signatures, whichever is greater.

A.11.S4 Any Representative who is found to have used their position for personal or other gain, or who has acted in a manner deemed to warrant immediate action shall be asked to resign by a quorum of CHN.

A.11.S5 Any Representative removed from their position may appeal to the Judicial Tribunal.

A.11.S6 Any Representative who misses three (3) formal sittings without valid reason will be recalled.

## ARTICLE 12 HEREDITARY CHIEF'S COUNCIL

A.12.S1 Heredity is an internal matter formalized through the ancient clan customs of the Haida Nation.

- (a) The Haida Nation is a matrilineal society, and we recognize the prominent role of our hereditary matriarchs as part of our governing body.

A.12.S2 That only one Potlatched Chief from each clan will sit at the Hereditary Chief's Council.

A.12.S3 The Potlatched Hereditary Chiefs will assemble as the Hereditary Chief's Council to address the issues of the Haida Nation with provision of a recording secretary.

- (a) An appointed spokesperson will be called by the Hereditary Chief to sit in his/her place, with written notice.

A.12.S4 The Hereditary Chief's Council will regulate its own activities through a process of a minimum of a  $\frac{3}{4}$  majority.

A.12.S5 The Hereditary Chiefs will be notified of sittings of the CHN and will be requested to attend.

A.12.S6 Prior to a referendum vote by the Haida Nation, the Hereditary Chief's Council will approve or disapprove any International Agreement between the Haida Nation and other nations, which are directly related to Haida Title and Rights. As amended at the 2010 House of Assembly President Council of the Haida Nation 12

A.12.S7 The Hereditary Chief's Council shall uphold the principles embodied in the Haida Accord, an internal document of the Haida Nation, enacted by Hereditary Chiefs, Council of the Haida Nation, Old Massett Village Council, Skidegate Band Council.

#### ARTICLE 13 VILLAGE COUNCILS

A.13.S1 Old Massett Village Council and Skidegate Band Council perform the function of local government of their respective communities.

A.13.S2 Haida Village Councils are responsible for the wellbeing of the Communities and will enact legal policies and programs for same.

A.13.S3 Village Council responsibilities include, but are not limited to, delivery of programs and services regarding cultural, social, education, health, economic, and municipal services.

A.13.S4 Village Councils shall each make an appointment of one of their Council Members to Council of the Haida Nation, and shall have the authority to recall said appointment with written notice to Council of the Haida Nation.

A.13.S5 Village Council Representatives will uphold the principles and dignity of the Haida Nation at all times.

A.13.S6 Village Council Representatives shall uphold the principles embodied in the Haida Accord enacted by Hereditary Chiefs, Council of the Haida Nation, Old Massett Village Council and Skidegate Band Council.

#### ARTICLE 14 JUDICIAL TRIBUNAL

A.14.S1 A Judicial Tribunal may be convened to resolve internal conflicts in a timely way.

A.14.S2 A Judicial Tribunal will be convened only when:

- (a) All other Haida Nation processes have been exhausted to bring an issue to closure; and
- (b) All parties agree, in writing, to accept and abide by the findings and ruling of the Tribunal.

A.14.S3 On consultation and agreement with the Hereditary Chief's Council and the Village Councils, CHN will select and appoint three (3) Haida Citizens to convene a Judicial Tribunal for a specific issue. As amended at the 2010 House of Assembly President Council of the Haida Nation 13

A.14.S4 Convened Judicial Tribunals will uphold the principles of the Haida Constitution and the Haida Accord.

A.14.S5 Hearings of Judicial Tribunals shall be open to Haida Citizens.

#### ARTICLE 15 INTERNATIONAL AGREEMENTS

A.15.S1 Amongst other strategies, CHN will pursue the goals of the Haida Nation through negotiations and diplomacy.

A.15.S2 CHN shall inform all Haida Citizens of all negotiations enacted.

A.15.S3 CHN will oversee the negotiation process and will provide the negotiators with the goals and objectives as well as ongoing direction and advice.

A.15.S4 Development of International Agreements shall proceed with full consultation of the Haida Citizens, Hereditary Chief's Council, and Village Councils.

A.15.S5 A final draft of any International Agreement must first be accepted by CHN and must then receive a minimum of  $\frac{3}{4}$  approval of the Hereditary Chief's Council, and if so accepted, CHN will conduct a vote of the Haida Citizens consistent with the CHN Election Procedures and Referendum process of the Haida Nation. International Agreements must receive approval of a majority of at least  $\frac{3}{4}$  of the votes cast.

A.15.S6 Signatories to International Agreement will be the President and Vice President of the Haida Nation and the Hereditary Chief's Council.

#### ARTICLE 16 RATIFICATION AND ADOPTION

A.16.S1 This Constitution must be adopted at the House of Assembly by  $\frac{3}{4}$  majority.

A.16.S2 From the time of adoption this Constitution will be the basis of the Law of the Haida Nation.

A.16.S3 The Constitution of the Haida Nation is the highest written law, reflecting the highest values of the Haida Nation, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

#### ARTICLE 17 AMENDMENTS

A.17.S1 Amendments to the Constitution of the Haida Nation may be only at the House of Assembly by a  $\frac{3}{4}$  majority of qualified voters present. 14

A.17.S2 Amendments may be made:

- (a) For a ten (10) year period following the initial adoption of this Constitution at a House of Assembly, with a widely advertised two (2) month Notice of Change; and
- (b) Thereafter, amendments to the Constitution will require four (4) public readings over a two (2) year period. Two (2) of these public readings must be at a House of

Assembly. The other two (2) readings must be widely advertised as to their purpose at least one (1) month in advance.

IN WITNESS WHEREOF:

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Guujaaw, President  
Council of the Haida Nation

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Date