

KA:'YU:'K'T'H/CHE:'K'TLES7E'T'H FIRST NATIONS

Constitution



HONORING OUR PAST...EMBRACING OUR FUTURE

KA:'YU:'K'T'H/CHE:'K'TLES7E'T'H FIRST NATIONS

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KA:'YU:'K'T'H/CHE:K:TLES7ET'H' FIRST NATIONS CONSTITUTION

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PREAMBLE

A. KA:'YU:'K'T'H'/CHE:K:TLES7ET'H' DECLARATION OF IDENTITY

We, the people of Ka:yu:'k't'h'/Che:k'tles7et'h, by this Constitution declare our unique identity as nations and claim our rightful place as equal participants in Canadian society.

We have existed from time immemorial and have occupied and used the lands, waters and all resources of our traditional territory throughout history.

We draw our identity from our relationship to our land and from our rich heritage, culture and language, and our stories, myths and the oral traditions of our elders.

We honour our ancestors and our elders and commit ourselves to the values that they have preserved for us, values that provide us dignity and strengthen our humanity.

As self-determining peoples, we accept the responsibilities, which are a natural part of governing ourselves, and seek, with assistance of the Creator, to govern with wisdom and respect for all people.

Through the act of governing, we assume the responsibility to preserve our natural world and strengthen our identity.

B. KA:'YU:'K'T'H'/CHE:K:TLES7ET'H' DECLARATION OF RIGHTS AND VALUES

The Ka:'yu:'k't'h'/Che: k: tles7et'h' have existed from time immemorial and occupied the lands and waters within our Ha'wiih's Ha'houlthee, governed these lands and waters, abided by our laws and shared our languages, culture and traditions.

From this historic foundation, we have shaped basic values that unite us, define us and upon which this Constitution is based: These values include:

- (a) reverence for the Creator;
- (b) a profound respect for nature, our lands and waters, and all living things within our traditional territory;
- (c) honour for our Ancestors;
- (d) respect for our elders;
- (d) respect for our children and all future generations;
- (f) respect for our family and kinship systems;
- (g) our unique language;
- (h) appreciation for our unique and vibrant culture, a culture that embraces our myths, stories, ceremonies and traditions;
- (i) an acceptance of and reverence for a spiritual basis to life;
- (j) a deep pride in our identity;
- (k) a common and mutually supportive economic foundation; and
- (l) acceptance of our commitment to safeguard our special relationship with the Creator and the earth for future generations.

From our historic existence, our value system, and our membership in the community of man, we possess certain inherent human rights, which have never been extinguished, ceded, or surrendered.

These include:

- (a) the right to our traditional territory, including lands, waters, air, and beds of water;
- (b) the right to the resources of our traditional territory;
- (c) the right to govern within our traditional territory;
- (d) the right to use and protect our languages;
- (e) the right to practice, protect, and strengthen our culture;
- (f) the right to the wealth of our traditional territory and a sound economic foundation;
- (g) the right to protect our spiritual sites;
- (h) the right to preserve our family and kinship systems; and
- (i) the right to define ourselves and how to identify our citizens.

CHAPTER 1. INDIVIDUAL RIGHTS AND FREEDOMS OF KA:'YU:'K'T'H/ CHE:K:TLES7ET'H' CITIZENS

1.1 An individual is entitled to be a Ka:yu:'k't'h/Che:k:tlēs7et'h' Citizen, if that individual:

- a) is enrolled or is eligible for enrolment under the Maa-nulth Treaty; or
- b) was on the Ka:yu:'k't'h/Che:k:tlēs7et'h' band list or entitled to be on the Ka:yu:'k't'h/Che:k:tlēs7et'h' Band list the day immediately before the Effective Date of the Maa-nulth Treaty; or
- c) meets the terms for Ka:yu:'k't'h/Che:k:tlēs7et'h' citizenship set out in the Ka:yu:'k't'h/Che:k:tlēs7et'h' Citizenship Act.

1.2 For greater certainty, Ka:yu:'k't'h/Che:k:tlēs7et'h' citizenship does not, in itself, confer treaty rights and benefits on an individual.

1.3 Every Ka:yu:'k't'h/Che:k:tlēs7et'h' citizen enjoys all the individual rights and freedoms guaranteed under the Constitution of Canada and by various instruments of human rights in international law.

1.4 Subject to paragraph 1.2, all Ka:yu:'k't'h/Che:k:tlēs7et'h' citizens are equal under this Constitution and, based on this equality, and in accordance with Ka:yu:'k't'h/Che:k:tlēs7et'h' customary law, possess:

- a) the right to participate in Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations political activities, elections and government in accordance with Ka:yu:'k't'h/Che:k:tlēs7et'h' law;
- b) the right to be informed about Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations affairs;
- c) the right to be consulted regarding Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations affairs;
- d) the right to express opinions and views on Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations affairs;
- e) right to equal employment and educational opportunities within the Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations public administration;
- f) the right to equal provision of public services provided by the Ka:yu:'k't'h/Che:k:tlēs7et'h' First Nations;
- g) the right to a healthy life, environment and equal access to the provision of health care;

- h) right to participate in Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations culture and traditions consistent with established practices and customs;
- i) the right to use the Nuu-Chah-Nulth languages;
- j) the right to enter, remain on and leave Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations lands, subject to the law making authority of the Ka:'yu:'k't'h'/Che:k:tlēs7e't'h' First Nation;
- k) the freedom to pursue a livelihood within Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations lands;
- l) the freedom to contribute to the progress and development of the Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations; and
- m) the freedom to achieve their fullest potential as individuals.

CHAPTER 2. GOVERNMENT STRUCTURE OF THE KA:'YU:'K'T'H/ CHE:K:TLES7ET'H' FIRST NATIONS

2.1 The Government of the Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations shall consist of:

- a) a legislative branch;
- b) an executive branch; and
- c) a People's Assembly.

2.2 The Ka:'yu:'k't'h/Che:k:tlēs7et'h' First Nations may, in accordance with the amending provisions of this Constitution, establish a judicial branch of the Ka:'yu:'k't'h/ Che:k:tlēs7et'h' First Nations Government.

Legislative Branch

2.3 All legislative powers assumed through this Constitution shall be vested in the Ka:'yu:'k't'h/Che: k: tles7et'h' First Nations Legislature.

2.4 The Ka:'yu:'k't'h/Che:k:tlēs7et'h' Legislature shall have the power and the responsibility to pass laws in regard to those jurisdictions and authorities set out in the Maa-nulth Treaty.

2.5 The Legislature shall be composed of:

- a) one elected Legislative Chief;.
- b) four elected Members; and
- c) four Legislative Ha'wiih chosen by the Ha'wiih Advisory Council.

2.3 The Legislature shall hold office for a term of four years.

2.7 No person shall be a member of the Legislature who is not a Ka:'yu:'k't'h/Che:k:tlēs7et'h' citizen and who has not attained the age of 18 years.

2.8 The times, places and manner of holding elections shall be prescribed by the Legislature in a manner consistent with the provisions of a Ka:'yu:'k't'h/Che:k:tlēs7et'h' election law, which law shall have force and effect as of the Effective Date of the Maa-nulth Treaty.

2.9 In the event of a tie vote for the position of Legislative Chief or for the final Member of the Legislative Council position or upon a Legislative Council position becoming vacant, a by-election shall be held within 30 days of the previous vote or the date the vacancy occurred.

2.10 The Legislature shall establish rules of procedure to govern its proceedings.

2.11 At the start of each term, the Legislature shall select a chairperson to chair meetings and administer legislative affairs.

2.12 There shall be constituted an advisory body to the Legislature composed of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' Ha'wiih (the hereditary chiefs) to be known as the Ha'wiih Advisory Council.

2.13 Representation on the Ha'wiih Advisory Council shall be determined in accordance with Ka:'yu:'k't'h/Che:k:tl'es7et'h' customary practices.

2.14 Prior to the Effective Date of the Maa-nulth Treaty, the Legislature shall consult with, and seek the advice of, the Ka:'yu:'k't'h/Che:k:tl'es7et'h' Ha'wiih in order to bring into force and effect a code of customary practices to govern the conduct of the Ha'wiih Advisory Council.

2.15 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect a Ha'wiih Advisory Council code of customary practices which shall, among other things, define the customary practices for the selection of Ha'wiih and prescribe how the Ha'wiih Advisory Council representatives on the Legislature shall be selected.

2.16 Prior to passing a law in relation to the use of or management of Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations land, education, family matters, cultural practices, language or relations with other First Nations, the Legislature shall seek and consider the advice of the Ha'wiih Advisory Council.

2.17 No Ka:'yu:'k't'h/Che:k:tl'es7et'h' law shall have force and effect until that law has been passed by a majority of a quorum of the Legislature and certified by the Legislative Chief.

2.18 All Ka:'yu:'k't'h/Che:k:tl'es7et'h' laws passed by the Legislature shall be published and made available to the public within 10 days of coming into effect.

The Executive Branch

2.19 The executive power of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' Government shall be held by the Legislative Chief and any individual member of the Legislature identified by a majority of a quorum of Council to hold specific portfolios.

2.20 The Legislature may establish or dissolve executive portfolios at any time.

2.21 All members of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' Executive are directly accountable to the Legislature and shall report to the Legislature on a regular basis or as requested by the Legislature.

2.22 Subject to instructions given by the Legislature, the Ka:'yu:'k't'h/Che:k:tl'es7et'h' Executive shall be responsible for representing the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations in intergovernmental relations, including relations with other First Nations.

2.23 The Legislative Chief, as Chief Executive, shall have authority and responsibility for:

- a) representing the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations with local, provincial and federal governments, other First Nations and indigenous organizations nationally and internationally;
- b) ensuring that the Ka:'yu:'k't'h/Che:k:tl'es7et'h' citizens are fully informed on social, legal and political issues that affect the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations;
- c) developing and maintaining effective systems of communication with Ka:'yu:'k't'h/Che:k:tl'es7et'h' citizens and with other governments;
- d) protecting and strengthening Ka:'yu:'k't'h/Che:k:tl'es7et'h' aboriginal and treaty rights;

- e) ensuring that the Ka:'yu:'k't'h/Che:k:tes7et'h' Constitution and system of laws and policies are adhered to and enforced;
- f) developing and maintaining a sound Ka:'yu:'k't'h/Che:k:tes7et'h' economy;
- g) promoting Ka:'yu:'k't'h/Che:k:tes7et'h' values, culture, traditions and languages; and
- h) the proper management and administration of the Ka:'yu:'k't'h/Che:k:tes7et'h' Government.

2.24 The Legislature may designate an elected Members of the Legislative Council as Vice-Legislative Chief who may assume the duties and responsibilities of the Legislative Chief on an interim basis in the event that the Legislative Chief is unable to carry out the duties and responsibilities of that office.

The People's Assembly

2.25 There shall be convened at least one time annually, and no more that two times annually, a general assembly of Ka:'yu:'k't'h/Che: k: tles7et'h' citizens to be known as the People's Assembly at which time the Legislature will provide financial information for the previous and the upcoming years and set out the strategic objectives for the coming year.

2.26 The Legislative Chief shall convene the People's Assembly in accordance with rules of procedure established by the Legislature.

2.27 Every Ka:'yu:'k't'h/Che: k: tles7et'h' citizen has the right to attend and speak at the People's Assembly.

2.28 Every Ka:'yu:'k't'h/Che: k: tles7et'h' citizen that has attained the age of 18 has the right to vote on any resolution presented at the Peoples Assembly.

2.29 The People's Assembly may, by a majority vote of those in attendance, pass a resolution requiring a referendum on any issue, such referendum to be held in accordance with referendum regulations established by the Legislature.

2.30 Any proposed resolution of the People's Assembly calling for a referendum must be provided to the Legislative Chief in writing at least 45 days prior to the People's Assembly at which the resolution is to be moved.

2.31 Upon receipt of the proposed resolution, the Legislative Chief shall ensure that the date of the proposed resolution is made public and provided to Ka:'yu:'k't'h/Che:k:tes7et'h' citizens.

Committees

2.32 The Legislature may establish standing or special committees to assist in the discharge of its authorities and responsibilities.

2.33 The standing committees shall include, but not be limited to:

- a) a standing committee on finance;
- b) a standing committee on treaty implementation;
- c) a standing committee on elections; and
- d) a youth council committee.

2.34 The Legislature shall establish the terms of reference for each committee and shall appoint all committee members pursuant to the respective terms of reference.

2.35 All committees shall be chaired by a member of the Legislature.

2.36 Except for members of the youth council committee, committee membership shall include any Ka:'yu:'k't'h/Che:k:tlés7et'h' citizens 18 years of age or older and shall include at least one member of the Legislature.

CHAPTER 3. LEGISLATIVE AUTHORITY OF THE KA:'YU:'K'T'H/ CHE:K:TLES7ET'H' FIRST NATIONS GOVERNMENT

3.1 The Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations Government shall have the right to assume and exercise all law-making authority set out in the Maa-nulth Treaty and any law-making authority set out in non-Treaty agreements with Canada or British Columbia.

3.2 As of the Effective Date of the Maa-nulth Treaty, and in accordance with the respective provisions of the Maa-nulth Treaty, the Legislature shall have the authority to make laws pertaining to:

- a) Ka:'yu:'k't'h/Che:k:tlés7et'h' citizenship;
- b) Ka:'yu:'k't'h/Che:k:tlés7et'h' Government structures and procedures;
- c) Ka:'yu:'k't'h/Che:k:tlés7et'h' land and land management;
- d) Ka:'yu:'k't'h/Che:k:tlés7et'h' resources on Ka:'yu:'k't'h/Che:k:tlés7et'h' land;
- e) Ka:'yu:'k't'h/Che:k:tlés7et'h' public institutions and Ka:'yu:'k't'h/Che:k:tlés7et'h' corporations;
- f) Ka:'yu:'k't'h/Che:k:tlés7et'h' Nations assets;
- g) adoption;
- h) child protection services;
- i) child care services;
- j) education in respect of kindergarten to grade 12;
- k) post-secondary education;
- l) education in respect of language and culture;
- m) solemnization marriages;
- n) social development;
- o) health services;
- p) culture and heritage;
- q) management and distribution of fish and aquatic plants for domestic purposes;
- r) management and distribution of wildlife and migratory birds for domestic purposes;
- s) renewable resource harvesting within federal and provincial parks and protected areas;
- t) water;
- u) preservation and conservation of the environment;
- v) taxation;
- w) public works;
- x) buildings and structures;
- y) regulation, licensing and prohibition of business;
- z) traffic, transportation, parking and highways;
- aa) public order, peace and safety;
- bb) emergency preparedness;

- cc) conflict of interest;
- dd) conduct of public officials;
- ee) access to information;
- ff) enforcement of Ka:'yu:'k't'h/Che:k:tlés7et'h' laws;
- gg) any other law-making authority set out in the Maa-nulth Treaty or in any non-Treaty agreement with Canada or British Columbia.

3.3 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect:

- a) rules of procedure for the Legislature;
- b) an election law;
- c) a code of conduct;
- d) conflict of interest guidelines;
- e) a financial administration law;
- f) a citizenship law;
- g) a land code;
- h) a dispute resolution law;
- i) referendum regulations; and
- j) any other law that the Legislature deems necessary for the proper management of Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations affairs as of the Effective Date of the Maa-nulth Treaty.

3.4 To the extent that the Legislature chooses not to exercise a law-making authority set out in paragraph 3.2, federal and provincial laws in relation to that authority shall continue to apply until such time as the authority is exercised by the Legislature.

3.5 In the event of an inconsistency or conflict between this Constitution and the provisions of any Ka:'yu:'k't'h/Che:k:tlés7et'h' law, the Ka:'yu:'k't'h/Che:k:tlés7et'h' law is, to the extent of the inconsistency or conflict, of no force or effect.

CHAPTER 4. THE KA:'YU:'K'T'H/CHE:K:TLES7ET'H' LAND SYSTEM

4.1 As of the Effective Date of the Maa-nulth Treaty, the underlying title to all Ka:'yu:'k't'h/Che:k:tlés7et'h' lands shall be vested collectively in the Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations.

4.2 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect a Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations land code.

4.3 Prior to the Effective Date of the Maa-nulth Treaty, the Legislature shall consult with and seek the advice of the People's Assembly and the Ha'wiih Advisory Council in the development of the Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations land code.

4.4 The Ka:'yu:'k't'h/Che:k:tlés7et'h' First Nations land code shall address, among other things:

- a) the nature and extent of the rights of individual Ka:'yu:'k't'h/Che:k:tlés7et'h' citizens in and to Ka:'yu:'k't'h/Che:k:tlés7et'h' lands;
- b) the powers and authority of the Legislature to administer, regulate, expropriate and grant interests in and to Ka:'yu:'k't'h/Che:k:tlés7et'h' lands;

- c) land transactions that will require approval of Ka:'yu:'k't'h/Che:k:tl̓es7et'h' citizens by way of a referendum;
- d) procedures for raising title to, and registering interests in, Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands;
- e) procedures for addressing interests of non- Ka:'yu:'k't'h/Che:k:tl̓es7et'h' individuals in Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands;
- f) the regulation of mortgages and other forms of security in relation to Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands;
- g) procedures for zoning and land use planning; and
- h) any other matter that the Legislature deems necessary for a comprehensive land code.

4.5 The quantity of Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands as set out in the Maa-nulth Treaty shall not be reduced except as provided for in the Maa-nulth Treaty or if approved in a referendum of Ka:'yu:'k't'h/Che:k:tl̓es7et'h' citizens.

4.6 The Legislature may, at any time, increase the quantity of Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands through purchase or other acquisition.

4.7 In the event that any proposal is made to trade or alter Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands, the Legislature will consult with and seek the advice of the Ha'wiih Advisory Council.

4.8 Notwithstanding the conveyance or alienation of any estate or interest in Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands, all lands that are the subject of such estate or interest shall continue to be Ka:'yu:'k't'h/Che:k:tl̓es7et'h' lands in accordance with the Maa-nulth Treaty and remain subject to the jurisdiction and authority of the Ka:'yu:'k't'h/Che:k:tl̓es7et'h' Government.

CHAPTER 5. FINANCIAL ADMINISTRATION AND ACCOUNTABILITY

5.1 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect a Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations financial administration law that is:

- a) effective and efficient in the use of Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations financial resources;
- b) open and accountable; and
- c) based on standards comparable to those generally accepted for governments in Canada.

5.2 Prior to the Effective Date of the Maa-nulth Treaty, the Legislature shall consult with and seek the advice of the People's Assembly and the Ha'wiih Advisory Council in the development of the Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations financial administration law.

5.3 The Legislature shall request and consider a report from the standing committee on finance prior to preparing the annual Ka:'yu:'k't'h/Che:k:tl̓es7et'h' financial report and budgets, entering into financial agreements or taxation agreements with Canada or British Columbia, or making the laws that substantially affect the finances of the Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations.

5.4 The Legislature shall prepare an annual budget and audit for presentation and review by Ka:'yu:'k't'h/Che:k:tl̓es7et'h' citizens .

5.5 The annual audited financial statements for the Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations, including the annual audited financial statements for any corporate entity owned, in whole or in part, by the Ka:'yu:'k't'h/Che:k:tl̓es7et'h' First Nations, shall be provided to Ka:'yu:'k't'h/Che:k:tl̓es7et'h' citizens within 90 days of the fiscal year end.

5.6 The Legislature may borrow money or guarantee loans pursuant to a law made for such purposes, which law shall be reviewed by the standing committee on finance prior to passage by the Legislature.

CHAPTER 6. CODE OF CONDUCT AND CONFLICT OF INTEREST

6.1 The Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations Government will be administered in a manner that:

- a) adheres to the highest ethical standards;
- b) wisely, effectively and efficiently uses the resources of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations;
- c) provides services on an equitable and impartial basis; and
- d) responds to the needs of the public in a timely and accessible manner.

6.2 All elected members of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations Government will take an oath of office sworn at the People's Assembly.

6.3 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect a code of conduct and conflict of interest guidelines to apply to all elected and non-elected representatives, and all employees of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations.

CHAPTER 7. DISPUTE RESOLUTION

7.1 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect a Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations dispute resolution law which shall provide for, among other things, a process for challenging the validity of Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations laws and a process for appealing and reviewing administrative decisions of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations Government or Ka:'yu:'k't'h/Che:k:tl'es7et'h' First Nations public institutions.

CHAPTER 8. APPROVAL OF THIS CONSTITUTION

8.1 This Constitution shall be ratified in a referendum in which at least 50% plus one of Ka:'yu:'k't'h/Che:k:tl'es7et'h' eligible voters as defined by the Maa-nulth Treaty who vote, approve the Constitution.

8.2 This Constitution shall be ratified prior to the vote held to ratify the Maa-nulth Treaty.

8.3 This Constitution, if ratified, shall come into force and effect on the Effective Date of the Maa-nulth Treaty.

CHAPTER 9. CONSTITUTIONAL AMENDMENTS

9.1 An amendment to this Constitution may be initiated by:

- a) a resolution passed by a majority of a quorum of the Legislature; or
- b) the presentation of a petition to the Legislature signed by at least 25% of Ka:'yu:'k't'h/Che:k:tl'es7et'h' eligible voters as defined by the Ka:'yu:'k't'h/Che:k:tl'es7et'h' voters list at the time of the petition.

9.2 Upon passage of the Legislature resolution or receipt of the petition identified in paragraph 9.1, the Legislature shall develop wording for a referendum on the proposed Constitutional amendment.

9.3 On the Effective Date of the Maa-nulth Treaty, the Legislature shall bring into force and effect procedures governing the conduct of any Constitutional amendment referendum.

9.4 Upon completion of the wording for the referendum, Legislature shall conduct a referendum on the proposed Constitutional amendment in accordance with the procedures set out in the Ka:'yu:'k't'h/Che:k:tl'es7et'h' referendum regulations.

9.5 This Constitution shall be amended on the following basis:

- a) in the period from the Effective Date of the Maa-nulth Treaty until the 10th anniversary of the Effective Date of the Maa-nulth Treaty, with the approval of at least 40% of Ka:'yu:'k't'h/Che:k:tl'es7et'h' eligible voters as defined by the Ka:'yu:'k't'h/Che:k:tl'es7et'h' voters list at the time of the referendum,
- b) in the period from the 10th anniversary of the Effective Date of the Maa-nulth Treaty to the 20th anniversary of the Effective Date of the Maa-nulth Treaty, with the approval of at least 50% of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' eligible voters as defined by the Ka:'yu:'k't'h/Che:k:tl'es7et'h' voters list at the time of the referendum, and
- c) any time after the 20th anniversary of the Effective Date of the Maa-nulth Treaty, with the approval of at last 60% of the Ka:'yu:'k't'h/Che:k:tl'es7et'h' eligible voters as defined by the Ka:'yu:'k't'h/Che:k:tl'es7et'h' voters list at the time of the referendum..

9.6 This Constitution shall be deemed to have been amended as of the date of certification of the required level of approval as set out in paragraph 9.5.

9.7 Notwithstanding the provisions of this chapter, the Legislature may, by a resolution passed by a majority of a quorum of the Legislature, make technical or grammatical amendments to this Constitution and shall, within one year of the Effective Date of the Maa-nulth Treaty, amend this constitution to delete all provisions that are redundant or unnecessary as a result of the Treaty coming into effect.

9.8 All amendments to this Constitution shall be published by the Legislature.

CHAPTER 10. POSSIBLE SEPARATION INTO TWO NATIONS

10.1 Ka:'yu:'k't'h/Che:k:tl'es7et'h' citizens acknowledge that, as a consequence of the fact that their ancestry can be traced to two separate and distinct nations and cultures, there remains the possibility of a desire to separate and reconstitute themselves as distinct communities and governments in the future.

10.2 Any such initiative to separate shall be in accordance with the amending provisions of this Constitution.

10.3 In the event that Ka:'yu:'k't'h/Che:k:tl'es7et'h' citizens, through a referendum, determine to separate, representatives of the two communities shall establish a working group to identify those issues that must be addressed in order to permit the separation to take place.

10.4 The working group shall present a report to the Legislature including recommendations on how the various issues may be addressed.