

CONSTITUTION OF KWANLIN DÜN FIRST NATION

Chapter Two - Citizenship

6. Kwanlin Dün Citizenship

- (1) Eligibility for, and recognition of, Citizenship is governed by this Chapter, and the Kwanlin Dün Citizenship Code, set out in Schedule 2.
- (2) Each Citizen is:
 - (a) equally entitled to the rights, privileges and benefits of Citizenship, as set out in this Constitution and Kwanlin Dün law; and
 - (b) equally subject to the duties and responsibilities of Citizenship.

7. Entitlement to Citizenship

- (1) Subject to Section 10, a person is entitled to be a Citizen if that person:
 - (a) was registered, or was on the Department of Indian Affairs Kwanlin Dün Band List, on the Effective Date;
 - (b) is a Beneficiary; or
 - (c) is a child of a person who is entitled to Citizenship in accordance with paragraph (a) or (b).

8. Eligibility to Apply for Citizenship

- (1) A person who is not entitled to be a Citizen under Section 7 may apply to the Citizenship Committee to become a Citizen if that person:
 - (a) is the spouse of a Citizen;
 - (b) has established permanent residency in the Traditional Territory; or
 - (c) is recommended for Citizenship by the Elders Council.
- (2) The Citizenship Committee may grant Citizenship to an applicant under this section if the Committee is satisfied that the applicant meets the requirements of:
 - (a) this Constitution; and
 - (b) any applicable criteria set out in
 - (i) the Citizenship Code; and
 - (ii) Kwanlin Dün First Nation law or policies.

9. Continuation of Citizenship

- (1) A person retains Citizenship even if:
 - (a) either or both of the person's parents ceases to be a Citizen; or
 - (b) the person is adopted by a person who is not a Citizen.

10. Loss of Citizenship

- (1) The Citizenship Committee may annul the Citizenship of a person if the Committee has determined that the person:
 - (a) was incorrectly enrolled or granted Citizenship on erroneous or fraudulent grounds; and
 - (b) does not qualify as a Citizen.

11. Transfer of Citizenship

- (1) A Citizen who becomes a citizen of another Yukon First Nation is deemed to have renounced their Citizenship.

12. Citizenship Legislation

- (1) The Kwanlin Dün First Nation must maintain legislation that will provide for recognition of Citizenship, application for Citizenship, and loss and restoration of Citizenship.
- (2) The Kwanlin Dün First Nation Citizenship Code set out in Schedule 2 has the status of ordinary Kwanlin Dün First Nation legislation, as if it had been enacted in accordance with this Constitution, on the Effective Date.

CONSTITUTION OF KWANLIN DÜN FIRST NATION
Chapter Three - Rights of Beneficiaries

13. Beneficiary Policies

- (1) Within 18 months after the Effective Date, the Council must develop and present to the Beneficiaries for their review and approval the following policies:
 - (a) A policy respecting the investment and use of funds paid under the Final Agreement, but not in respect of funds paid under
 - (i) the Collateral Agreement; or
 - (ii) the Kwanlin Dün First Nation Financial Transfer Agreement.
 - (b) A policy respecting the use and disposition of Settlement Land, as defined in the Final Agreement, but not including any of the following parcels of land as identified under the Final Agreement:
 - (i) the Old Village as described in paragraph 4.1.1 of the Final Agreement, being the area commonly known as Lot 226; and
 - (ii) Parcel C-41B, commonly known as the McIntyre Subdivision.
 - (c) A policy respecting consultation with Beneficiaries concerning approval of any amendment to the Final Agreement.
- (2) In addition to the policies required by subsection (1), the Council may develop and present to the Beneficiaries for their review and approval any other policy to give better effect to the Final Agreement.
- (3) The Council may not adopt a policy under this Chapter, or amend such a policy, until a meeting of Beneficiaries has approved the policy or amendment in accordance with section 16.

14. Constitutional Protection of Beneficiary Policies

- (1) Any Kwanlin Dün First Nation legislation, regulation or policy must be consistent with any policy adopted by the Beneficiaries in accordance with this Chapter.

15. Transitional Authority over Funds Received under the Final Agreement and Settlement Land

- (1) Until a policy contemplated under Section 13(1)(a) has been adopted, the Kwanlin Dün First Nation:
 - (a) must hold the funds referred to in that section, and any income from such funds, on deposit with a Canadian chartered bank until those funds are, or that income is, to be invested, pledged or deposited in accordance with paragraph (b); and
 - (b) may invest, pledge or deposit such funds or income only in real property, personal property, or a mixture of real and personal property, and with the judgement and care that any person of prudence, discretion and intelligence would exercise as a trustee of the property of others.
- (2) Until a policy contemplated under Section 13(1)(b) has been adopted, the Kwanlin Dün First Nation may not dispose of or alienate any interest in any Settlement Land to which that section applies, except by way of a licence, or lease, with a term of no more than three years.

16. Beneficiaries Meetings and Referenda

- (1) The Council must convene at least one meeting open to every Beneficiary, whenever the Council proposes to adopt or amend a policy required under this Part.

- (2) The Council:
 - (a) may convene a meeting of Beneficiaries at any time; and
 - (b) must convene such a meeting if 40 or more Beneficiaries have signed a Beneficiaries' order calling for a meeting and submitted it to the Council.
- (3) The Council must give Beneficiaries of voting age at least 30 days written notice of each meeting convened under this section by:
 - (a) posting the notice at all Kwanlin Dün First Nation administrative offices; and
 - (b) publishing a copy of the notice in a newspaper having circulation in Yukon; and
 - (c) causing the notice to be broadcast by radio or television in Yukon.
- (4) Every meeting of Beneficiaries convened under this section must be held in the Traditional Territory.
- (5) The Council may postpone a meeting of Beneficiaries in case of death in the community or a natural disaster. In that case, the meeting will convene no later than 14 days later.
- (6) The Council is responsible to arrange and facilitate meetings of Beneficiaries.
- (7) The Chief presides at a meeting of Beneficiaries.
- (8) A meeting of Beneficiaries convened under this section:
 - (a) may review a proposed policy or proposed amendment to a policy; and
 - (b) by consensus, or by a vote supported by at least a majority of the Beneficiaries present and voting at the meeting, may approve the form of a proposed policy or amendment to a policy to be put to a referendum of Beneficiaries under subsection (9).
- (9) As soon as practicable after the form of a proposed policy or proposed amendment to a policy has been approved for submission to a referendum of Beneficiaries, the Council must conduct a referendum by providing a mail-in ballot to every Beneficiary who will have attained at least age 18 on the last date for voting in the referendum.
- (10) A proposed policy, or proposed amendment to a policy, will have been adopted by the Beneficiaries if it is supported by at least a majority of all Beneficiaries entitled to vote in that referendum.
- (11) Kwanlin Dün First Nation legislation may establish additional:
 - (a) procedures for convening and giving notice of Beneficiaries' meetings;
 - (b) rules of procedure to be followed at those meetings; and
 - (c) rules for the conduct of Beneficiaries' referenda.