

“Ha Kus Teyea ~ the Teslin Tlingit way”

DECLARATION & CHARTER OF TESLIN TLINGIT NATION

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Approved in Principle by General Council

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Declaration of the Teslin Tlingit

We are Teslin Tlingit, people of the land, people of the water -

People of the mountains, the forests, and the Wolf;

People of the rivers, the lakes, the Frog and the Beaver;

People of the Eagle and the Raven Children, we walk below the skies of the creator in the footsteps of our ancestors.

We are one spirit, one mind, one people -

Dakh'awèdi, Ishkitàn, Yanyèdi, Kùkhittàn, Dèshitàn

Each is equal, with an honoured history

Etched in the names and sacred places entrusted to its care, and

Told in the stories, songs, dances and symbols that are our language.

We follow ancient Teslin Tlingit law -

Founded on our understanding of the spirit in all living things;

Based on our respect for the land and its resources; and

Rooted in our history, and our traditional practices and knowledge.

Teslin Tlingit law is our identity -

Reflecting the unity and inclusiveness of our Clans and communities;

Demonstrating the value, uniqueness and dignity of each person; and

Enriching all aspects of Teslin Tlingit community and personal life.

Under Teslin Tlingit law, each Person –

Is a valued part of the community; and

Is taught to respect the spirit living within themselves

Under Teslin Tlingit law, each member of a clan –

Carries a traditional name, and is taught to value and honour the history of that name and responsible to preserve its respected place in Teslin Tlingit culture;

Is expected to value and respect the wisdom of our elders; and

Represents the Teslin Tlingit Nation, and their Clan, to the world, and is to bring honour to the Nation by their conduct in the world.

Under Teslin Tlingit law, each Person has responsibilities to the Creator –

To acknowledge and respect the spirit in all living things;

To care for the air, the land, the water and all living things in the air, on the land or in the water;

To use resources in moderation, acknowledge the resources used, and restore the land;

To behave with dignity and integrity at all times; and

To follow those in authority, and obey the laws of the Teslin Tlingit Nation.

Under Teslin Tlingit law, each Person has responsibilities to the community –

- To share the benefits of life with the rest of the community;
- To care for our children, teach and nurture our youth, and help them to learn our values, traditional knowledge and rites of passage;
- To support and care for members of their extended family, Clan and Nation; and
- To care for, nurture and support their parents and Elders

Under Teslin Tlingit law, each Person has responsibilities to other Persons –

- To act with fairness and understanding in personal relationships;
- To do no harm;
- To accept personal responsibility for actions that affects others;
- To acknowledge actions that do hurt others, and take responsibility for the harm done;
- To make restitution to those harmed, and to seek forgiveness; and
- To be reconciled within the Clan, and to the community.

Under Teslin Tlingit law, each of our leaders has responsibilities to the community -

- To demonstrate responsibility to future generations;
- To act at all times in accordance with Teslin Tlingit law;
- To exercise the public trust of governance to serve the community, not to rule it;
- To be diligent in public responsibilities, to give sound counsel, and to exercise good judgment;
- To set aside personal desires, and make decisions in the best interest of the whole Nation;
- To base decisions in a clear vision, to manage the Nation's resources prudently and efficiently, and to evaluate the effect of their actions;
- To keep in confidence all matters entrusted to them;
- To never abuse the public trust by using information entrusted to them for personal gain or advantage; and

To conduct their personal lives without reproach, as an honour to our elders, a credit to the Nation, an example of and to the Clan, and as an inspiration to our youth.

Together, our leaders are responsible to -

Enhance the general welfare of the Teslin Tlingit,

Promote the continuation of the Clan system;

Promote respect for and use of our language and culture;

Safeguard our land, resources, and environment;

Strengthen our unity, and our educational, social, economic and political development;

Protect the spiritual, physical and emotional health of our people; and

Keep alive Teslin Tlingit traditions, preserving our heritage with dignity and pride for future generations.

We are of one spirit, one mind and one people.

This is the Declaration of the Teslin Tlingit, People of the water-- People of the land.

Teslin Tlingit Nation Charter

1. Sovereignty of the Teslin Tlingit Nation

- (1) The sovereign authority within the Teslin Tlingit Nation belongs to us as one spirit, one mind, and one people. Through our respective Clans we have the right to exercise our authority to -
 - (a) delegate any power or function to be exercised in accordance with Teslin Tlingit law; and
 - (b) amend the *Ha Kus Teyea* in accordance with section 10.
- (2) The sovereign authority of the Teslin Tlingit Nation is to be exercised always in the spirit of ancient Teslin Tlingit law as recognised by *Ha Kus Teyea*.

2. Teslin Tlingit Clans and Families

- (1) The Clan is the primary unit of social organisation and authority within the Teslin Tlingit Nation. The authority, responsibilities and traditions of the Clans must not be undermined or diminished.
- (2) Elders hold a special place within Teslin Tlingit society, providing guidance and leadership to their Clans in the protection, promotion and use of Teslin Tlingit customs, culture and heritage.
- (3) Men and women have equal status within their family, and are equally
 - (a) entitled to own, use and dispose of family property;
 - (b) responsible for the care, comfort and support of one another, while married or living together in a marriage-like relationship;
 - (c) responsible for the care, upbringing, nurture and education of their children;

- (d) entitled to participate in the lives of their children, whether or not they are living together.
- (4) Children hold a special place in Teslin Tlingit society; it is the duty of their parents, extended family, and Clan to nurture, protect and educate them in a safe and stable environment, so they can develop their full potential for the benefit of themselves and society as a whole.
- (5) A Child's best interests are of paramount importance in every matter concerning the child.
- (6) Every Person has a responsibility to -
 - (a) promote family life and act responsibly within the context of their family and Clan; and
 - (b) contribute to the welfare and advancement of their family, Clan and community.

3. Teslin Tlingit Lands and cultural property

- (1) Teslin Tlingit Lands are held by the Teslin Tlingit Council for the communal benefit of the Teslin Tlingit Nation, to be managed in accordance with Teslin Tlingit law.
- (2) Each Clan –
 - (a) owns distinct stories, songs, dances and symbols represented through our language;
 - (b) is responsible for particular sacred places, objects and traditional names; and
 - (c) has the right to -
 - (i) assign any property referred to in this subsection to the care of a member of a Clan; or
 - (ii) to take back that property

in accordance with Teslin Tlingit traditions.

- (3) Every Person has a responsibility to respect and not to trespass or violate the land and property held by the Teslin Tlingit Nation, or by other Teslin Tlingit Clans or other Persons.
- (4) Each Person living within Teslin Tlingit Traditional Territory is responsible to –
 - (a) protect and safeguard public property from waste and misuse; and
 - (b) contribute to the welfare and advancement of the Teslin Tlingit Nation by paying all lawful taxes, fees or similar impositions.

4. Economic well-being and environmental resources

- (1) When accessing water, cultural foods or medicines from the land, every Person is responsible to act in accordance with Teslin Tlingit traditions of stewardship of, and care for, the land, animals and resources.
- (2) Every Person living within Teslin Tlingit Traditional Territory has a responsibility to strive for self –sufficiency and to -
 - (a) contribute to the welfare and advancement of their community; and
 - (b) conserve the environment and protect natural resources.

5. Culture and Language

- (1) The Clans, which comprise the Teslin Tlingit Nation, have a joint responsibility to protect and promote the enhancement of the Teslin Tlingit heritage, Clan system, traditions, language, culture and identity in accordance with Ha Kus Teyea and Teslin Tlingit law.
- (2) Every member of a Clan has the right and responsibility to use the traditional language, practices and culture of the Teslin Tlingit Nation.

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- (3) Every Clan and family of a deceased member of a Clan has the right and responsibility to bury that person in accordance with the Teslin Tlingit traditional practices.

6. Education

- (1) The parents or guardians of a child, supported by the family and Clan, are responsible to teach the child Teslin Tlingit traditions, principles and values.
- (2) Each member of a Clan is responsible to –
- (a) seek, learn, and understand the practice of the traditional language, culture and customs of the Teslin Tlingit Nation; and
 - (b) develop their abilities through the continuous acquisition of knowledge and learning, to further develop their skills.

7. Upholding the Law

- (1) Each Person living within Teslin Tlingit Traditional Territory is responsible to –
- (a) behave in a manner consistent with all lawful authority;
 - (b) avoid and not participate in acts of corruption; and
 - (c) co-operate with law enforcement agencies for the preservation of peace and well-being of the Teslin Tlingit community and Teslin Tlingit Nation.
- (2) Every Person has the right to refuse an unlawful command, requirement, direction or instruction.

8. *Ha Kus Teyea*

Ha Kus Teyea is the supreme law of the Teslin Tlingit Nation and contains -

- (a) the Declaration of the Teslin Tlingit, which sets out for all time the Teslin Tlingit way of living; and
 - (b) the Teslin Tlingit Charter, which recognizes the roles and responsibilities of Teslin Tlingit Clans, families and members of Clans, as well as other persons living under Teslin Tlingit law.
- (2) The roles and responsibilities set out *Ha Kus Teyea* –
- (a) are an expression of each Person's responsibility to themselves, as well as to the Creator, the Teslin Tlingit Nation, their Clan, family and community;
 - (b) are grounded in the Teslin Tlingit relationship to their lands, territories and resources, their political, economic and social institutions and their culture, spiritual life, traditions and history; and
 - (c) reflect the practice of the Dakh'awèdi, Ishkitàn, Yanyèdi, Kùkhhittàn and Dèshitàn Clans as the keepers of our traditions, laws and customs.

9. **The Teslin Tlingit Charter**

- (1) This Charter is the foundation of the Teslin Tlingit Nation, and is the legal expression of Teslin Tlingit identity and values as reflected in the Declaration of the Teslin Tlingit.
- (2) The Teslin Tlingit Government, Clans and Clan members are jointly responsible to observe, respect, protect, promote and fulfil the provisions of the Teslin Tlingit Charter.
- (3) Teslin Tlingit Government is responsible to give effect to sub-section (2) whenever, through its government, it –
 - (a) makes policy or enacts law;

- (b) implements policy or legislation; or
 - (c) performs any of its functions or exercises any of its powers.
- (4) Each Clan gives effect to sub-section (2) through the
- (a) promotion, protection and use of the Teslin Tlingit culture and ensuring respect for the Clan customs, traditions and use of the Teslin Tlingit language;
 - (b) representation of Clan interests within Teslin Tlingit Government; and
 - (c) fostering unity within and between the Clans.
- (5) Each Clan member gives effect to sub-section (2) by -
- (a) living in harmony with others, participating in the traditions and fulfilling the responsibilities of their respective Clan,
 - (b) conducting their lives in accordance with the Declaration; and
 - (c) by exercising their rights and freedoms in a manner consistent with their responsibilities as set out in this Charter.

10. Amendment of *Ha Kus Teyea*

- (1) The Declaration of the Teslin Tlingit, and this subsection, cannot be amended.
- (2) The Teslin Tlingit Charter, other than subsection (1), may be amended only in a manner that reflects and is consistent with the Declaration of the Teslin Tlingit.
- (3) Subject to subsections (1) and (2), an amendment to the Teslin Tlingit Charter can be achieved through a proposal brought to a vote –
 - (a) at the annual meeting of the General Council, if a notice of motion stating the nature of the proposed amendment is delivered to each Clan Leader, and posted in the main administration building of Teslin Tlingit Government, at least 21 days before that meeting begins; or

- (b) at any meeting of the General Council if all members in attendance at that meeting unanimously agree to accept the introduction of the proposal.
- (4) To pass, an amendment proposal requires the consensus support of the General Council members, present at the meeting, at the time the proposal was introduced.
- (5) An amendment to this Charter takes effect on the later of –
 - (a) The date the proposal is approved at General Council; or
 - (b) A date set out in, or determined under, the proposal to amend the Charter.

11. Definitions and interpretation

- (1) In this Charter, unless the context indicates otherwise -
 - (a) “Child” means an Person who has not attained age 18;
 - (b) “Person” means a natural person;
 - (c) “Teslin Tlingit Government” means the government of the Teslin Tlingit Nation, as constituted in accordance with Teslin Tlingit law.
 - (d) “Teslin Tlingit Lands” means -
 - (i) Teslin Tlingit Settlement Lands; and
 - (ii) any other lands held by the Teslin Tlingit Council within Teslin Tlingit Traditional Territory;
 - (e) “Teslin Tlingit Settlement Lands” means “Settlement Lands” as defined in the *Teslin Tlingit Council Self Government Agreement*; and
 - (f) “Teslin Tlingit Traditional Territory” has the meaning set out or sdetermined in accordance with section 2.9.0 and 2.9.1 of the *Teslin Tlingit Council Final Agreement*.

- (2) The General Council of Teslin Tlingit Government may approve a Teslin Tlingit translation of *Ha Kus Teyea*, which will be equal to the English language version in status and effect.