Constitutional Forum constitutionnel: Volume 31.2 (2022)

Special Issue - *Dickson v Vuntut Gwitchin First Nation* case

This special issue of the *Forum,* edited by Associate Professor Amy Swiffen, examines the Yukon Court of Appeal decision in *Dickson v Vuntut Gwitchin First Nation.*

The *Dickson* case is ground-breaking, as it considers whether a residency requirement for elected officials by the Vuntut Gwitchin First Nation can be shielded from a section 15 *Charter* challenge by section 25 of the *Charter*. Section 25 states that rights and freedoms in the *Charter* "shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada". The Court decided that when the exercise of self-government rights conflict with *Charter* rights, government power may be shielded from the Oakes test by section 25.

Rather than begin with the *Charter* as a starting point for approaching the case as the Court did, the authors in this issue begin with recognition of the inherent right of Indigenous peoples to self-govern. The case is currently on appeal to the Supreme Court of Canada.

Articles

1. Introduction: Special Issue on *Dickson v. Vuntut Gwitchin First Nation*, 2021 YKCA 5
   Amy Swiffen
2. Checking our Attachment to the *Charter* and Respecting Indigenous Legal Orders: A Framework for *Charter* Application to Indigenous Governments
   Naiomi Metallic
3. Towards a Renewed Relationship: Modern Treaties & the Recognition of Indigenous Law-Making Authority
   Kate Gunn
4. *Dickson v Vuntut Gwitchin First Nation*, Section 25 and a Plurinational *Charter*
   Amy Swiffen
5. Doctrine Calling: Inherent Indigenous Jurisdiction in *Vuntut Gwitchin*
   Ryan Beaton
6. The Paradox of Political Questions in Canadian Aboriginal Law: Why *Dickson v Vuntut Gwitchin First Nation* Requires Reconsideration of

the Political Questions Doctrine in Canada

Robert Hamilton