

## **CHAPTER GP: GENERAL PROVISIONS**

**Reviewed by Main Table, Oct. 12-14, 2011**

### **2.1 PURPOSE AND SCOPE OF THE AGREEMENT-IN-PRINCIPLE**

**2.1** This AiP sets out the provisions that if agreed to will form the basis for negotiations of a Dehcho Agreement. It is not legally binding on the parties. For greater certainty, it does not create, define or recognize any legal duties or obligations, nor does it abrogate, derogate from or recognize any Aboriginal, Treaty or other rights.

### **2.2 NATURE OF THE DEHCHO AGREEMENT**

**2.2** As of the Effective Date the Dehcho Agreement will be a treaty and give rise to treaty rights under sections 25 and 35 of the *Constitution Act, 1982*.

### **2.3 ACCESS TO PROGRAMS AND SERVICES**

**2.3.1** Nothing in the Dehcho Agreement will prevent a Dehcho First Nation community or their Citizens from participating in the programs of the governments of Canada and the NWT or from benefiting from them in accordance with the general criteria established for these programs, except where the Dehcho Agreement provides otherwise.

**2.3.2** Nothing in the Dehcho Agreement will prevent the Dehcho Government or a Dehcho Community Government from participating in the programs of the governments of Canada and the NWT or from benefiting from them in accordance with the general criteria established for these programs, except where the Dehcho Agreement provides otherwise.

### **2.4 TERRITORIAL APPLICATION<sup>1</sup>**

#### **2.4.1**

The provisions of the Dehcho Agreement will apply in the Northwest Territories, except where otherwise provided in the Agreement.<sup>2</sup>

#### **2.4.2**

Neither the Dehcho Agreement nor the implementation legislation will have the effect of infringing on the rights of the Dehcho Dene as regards land located outside of the limits of the Northwest Territories.<sup>3</sup>

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<sup>1</sup> Move to Certainty?

<sup>2</sup> Have to await the territorial extent of the certainty approach

<sup>3</sup> Same as footnote 2.

### **2.4.3**

The status of Dehcho Dene rights and interests in the Yukon Territory, British Columbia and Alberta will be addressed prior to the signing of the Dehcho Agreement.<sup>4</sup>

### **2.4.4**

The boundary and overlap issues between the Dehcho First Nations and the Acho Dene Koe, Sahtu, Akaitcho and Dene Tha' will be considered prior to the signing of the Dehcho Agreement.

## **2.5 CONSTITUTION OF CANADA**

**2.5.1** The Dehcho Agreement does not alter the Constitution of Canada, including:

- a) the identity of the Dehcho Dene as an aboriginal people of Canada within the meaning of the *Constitution Act, 1982*; and
- b) sections 25 and 35 of the *Constitution Act, 1982*.

### **2.5.2**

The *Canadian Charter of Rights and Freedoms* will apply to the Dehcho Government in respect of all matters within its authority.

## **2.6 APPLICATION OF FEDERAL LAW RELATING TO FIREARMS**

### **2.6.1**

Nothing in the Dehcho Agreement affects the application of Federal Law in respect of the possession, use or regulation of firearms.<sup>5</sup>

## **2.7 CONSULTATION ON LEGISLATION**

### **2.7.1**

Canada and the GNWT will consult the Dehcho First Nation or, when it is established, the Dehcho Government, in the planning of the institutions established by or under the Dehcho Agreement and the preparation of the settlement legislation and other legislation proposed to implement the provisions of the Agreement, including the preparation of any amendments to such legislation.

## **2.8 INTERGOVERNMENTAL AGREEMENTS**

### **2.8.1**

Nothing in the Dehcho Agreement will be interpreted so as to limit or extend any authority of the Parties to negotiate and enter into international, national, interprovincial,

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<sup>4</sup> Same as footnote 2.

<sup>5</sup> DFN involvement in sentencing to be addressed in Justice chapter.

and inter-territorial agreements, but this will not prevent the Dehcho Government from entering into agreements with a federal, provincial, **Aboriginal** or territorial government for the provision of specific programs and services.

## **2.9 APPLICATION OF INDIAN ACT**

### **GP.9.1**

The *Indian Act* will not apply to Dehcho Citizens<sup>6</sup>, except for the purpose of determining whether or not a Dehcho Citizen is an “Indian” under that Act and for the administration of the property of any person where it was being administered by the Minister of Indian Affairs and Northern Development under that Act before the effective date.

## **2.10 CRIMINAL LAW**

### **2.10.1**

**For greater certainty, the Dehcho Government and Community Governments have no authority to enact laws that are criminal laws or in relation to criminal procedures.**

## **2.11 REGULATION OF PROFESSIONS**

### **2.11.1**

The Dehcho Government has no Jurisdiction in relation to the certification, licensing, or regulation of occupations, trades, professions, professionals, professional organizations and societies except as otherwise provided in the Agreement.

## **2.12 NWT SUPREME COURT**

### **2.12.1**

Nothing in the Final Agreement affects the inherent jurisdiction of the Supreme Court of the NWT, including its jurisdiction with respect to children or legally incompetent persons.

## **2.12 CORE PRINCIPLES AND OBJECTIVES**

### **2.12.1**

In consultation with the Dehcho Government, the GNWT shall develop and may amend NWT core principles and objectives in relation to:

- a) Early childhood education;
- b) Child and Family Services;
- c) Social Housing;
- d) Income Assistance;

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<sup>6</sup> Or apply to Dehcho Gov't?

- e) Trusteeship
- f) Guardianship; and
- g) Adoption.

### **2.12.2**

NWT core principles and objectives in relation to:

- a) Early childhood education;
- b) Child and Family Services;
- c) Social Housing;
- d) Income Assistance;
- e) Trusteeship
- f) Guardianship; and
- g) Adoption

reflect the fundamental characteristics of social programs and services in these areas.

### **2.12.3**

The NWT Core principles and objectives will be broad in nature.

### **2.12.4**

Governments in the NWT setting standards compatible with NWT core principles and objectives may take into account the circumstances and conditions that exist for that government.

### **2.12.5**

For greater certainty, standards established by the Dehcho Government referred to in (reference the specific sections in jurisdictions chapters) may take into account the circumstances and conditions that exist in the Settlement Area.

### **2.12.6**

For greater certainty, standards established by the Dehcho Government referred to in (reference the specific sections in jurisdictions chapters) may differ from standards established by the GNWT or other governments in the NWT and still be compatible with NWT core principles and objectives.

## **2.13 STATUS OF DEHCHO LANDS**

### **2.13.1**

Dehcho Nhede are not "Lands reserved for the Indians" within the meaning of section 91(24) of the *Constitution Act, 1867* or reserves within the meaning of the *Indian Act*.

## **2.14 DEVOLUTION**

### **2.14.1**

Dehcho AiP; Draft; without prejudice  
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Nothing in the Dehcho Agreement shall prejudice the devolution or transfer of responsibility or powers from the Government of Canada to the Government of the Northwest Territories.<sup>7</sup>

## **2.15 COMING to EFFECT**

### **2.15.1**

The Dehcho Agreement comes into effect upon its ratification by all Parties as set out in the Ratification Chapter.

## **2.16 OFFICIAL LANGUAGES**

### **2.16.1**

For greater certainty, the Parties acknowledge that the *Official Languages Act* applies to the Dehcho Agreement, including the execution of the Dehcho Agreement.

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<sup>7</sup> The DFN state that issues related to jurisdiction and lands should be addressed at the Dehcho Process table and that the Dehcho Agreement will be with prejudice to any devolution agreement between Canada and the GNWT