

CHAPTER CLH: Culture, Language and Heritage

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DEFINITIONS

Archaeological Activity – means physical activity carried out in the Dehcho Settlement Area in connection with the discovery, recovery or field study of the remains of pre-contact and post-contact periods and includes any activity that disturbs or may result in the disturbance of a Burial Site, Heritage Resource, Heritage Site, or Sacred and Spiritual Site.

Burial Site – means a site that contains or might contain the remains of a Dehcho Dene person, or ancestor of a Dehcho Dene person, or for which there is evidence that the site did or might have contained such remains.

Heritage Resources – means any artifact, object, or record of archaeological, historical or cultural significance to the Dehcho Dene and includes human remains and associated grave goods found in a Burial Site.

Heritage Site – means a site with archaeological, historical or cultural significance to the Dehcho Dene.

Sacred and Spiritual Site – means

CLH 1.0 GENERAL

CLH 1.1 The objective of this chapter is to promote awareness, appreciation and understanding of all aspects of Dehcho Dene culture, language and heritage and to ensure that the Dehcho Dene have primary jurisdiction for preservation and management of Burial Sites, Heritage Resources, Heritage Sites, and Sacred and Spiritual Sites in the Dehcho Settlement Area.

CLH 1.2 The Dehcho Government may enter into agreements with Dehcho community governments, Canada, or the Government of Northwest Territories for the delivery of programs and services related to culture, language and heritage in the Dehcho Settlement Area.

- CLH 1.3 Nothing in the Dehcho Agreement will limit any entitlement, right, title or interest of the Dehcho Government, Dehcho First Nations or a Dehcho Citizen available under law in respect of intellectual property.
- CLH 2.0 HERITAGE RESOURCES
- CLH 2.1 The Dehcho Government has exclusive jurisdiction over Burial Sites, Heritage Resources, Heritage Sites, and Sacred and Spiritual Sites in Dehcho Ndehe.
- CLH 2.2 The Dehcho Government may exclusively make laws in relation to:
- a. the preservation and management of Burial Sites, Heritage Resources, Heritage Sites, and Sacred and Spiritual Sites on Dehcho Ndehe;
  - b. the issuance of authorizations that involve or may affect Burial Sites, Heritage Resources, Heritage Sites, and Sacred and Spiritual Sites on Dehcho Ndehe, including the requirement for authorizations, and the terms and conditions to be attached to any authorization;
- CLH 2.3 Canada and the Government of Northwest Territories will notify the Dehcho Government when a Burial Site, Heritage Resource or Heritage Site is found on lands outside Dehcho Ndehe, including on lands outside the Dehcho Settlement Area.
- CLH 2.4 The Dehcho Government will notify Canada and the Government of Northwest Territories when a heritage resource other than a Dehcho Heritage Resource is found on Dehcho Ndehe.
- CLH 2.5 No authorization that may affect Heritage Resources or Heritage Sites may be issued on Dehcho Ndehe without the consent of the Dehcho Government.
- CLH 2.6 No authorization that may affect Heritage Resources or Heritage Sites may be issued in the Dehcho Settlement Area on lands outside Dehcho Ndehe without prior consultation with the Dehcho Government.
- CLH 2.7 No authorization that may affect Burial Sites may be issued in the Dehcho Settlement Area without the consent of the Dehcho Government.
- CLH 2.8 No authorization that may affect Sacred and Spiritual Sites may be issued in the Dehcho Settlement Area without the consent of the Dehcho Government.

- CLH 2.9 At the request of the Dehcho Government, the GNWT or Canada will provide assistance to the Dehcho Government in the recovery and repatriation of Heritage Resources originating in the Dehcho Settlement Area that are held outside the Dehcho Settlement Area, including those in foreign countries.
- CLH 2.10 The Dehcho Government will have an opportunity to be represented on any board, agency or committee established by Canada or the Government of Northwest Territories, or in any process that may affect the protection or management of Burial Sites, Heritage Resources, Heritage Sites, or Sacred and Spiritual Sites.
- CLH 3.0 CULTURE AND LANGUAGE
- CLH 3.1 The parties recognize the importance of the Dene Zhatie to the culture and heritage of the Dehcho Dene and are committed to the preservation, promotion and development of Dene Zhatie.
- CLH 3.2 The Dehcho Government has the power to enact laws in relation to Dehcho culture and Dene Zhatie in the Dehcho Settlement Area, including:
- a. the preservation, promotion, development and protection of the spiritual and cultural beliefs of Dehcho Citizens, and the culture of the Dehcho First Nations;
  - b. the preservation, promotion and development of Dehcho Dene cultural heritage;
  - c. the preservation, promotion and development of Dehcho Dene traditional knowledge;
  - d. the preservation, promotion and development of Dene Zhatie;
  - e. the use of Dene Zhatie in operations of the Dehcho Government, community governments, and standards for Dene Zhatie;
  - f. the teaching of Dene Zhatie and the history and culture of the Dehcho First Nations, including the certification of teachers to teach Dene Zhatie and the history and culture of the Dehcho First Nations;
  - g. the assignment or alteration of Place Names.

CLH. 4.0 CONFLICT OF LAWS

CLH 4.1 In the case of conflict between federal or territorial legislation and a Dehcho law, the Dehcho law will prevail to the extent of the conflict.

CLH 5.0 CULTURE AND LANGUAGE ADVOCATE

CLH.5.1 As soon as possible after the effective date, a Culture and Language Advocate shall be appointed and funded jointly by the parties to advise the parties on how to use their respective powers in ways that respect and promote Dene Zhatie and the culture and way of life of the Dehcho Dene.

CLH 5.2 The Culture and Language Advocate may be appointed for a specified term but is only removable, before the expiration of that term, for cause.

CLH 5.3 The Culture and Language Advocate shall be resident in the Northwest Territories, fluent in Dene Zhatie and familiar with the culture and way of life of the Dehcho Dene.

CLH 5.4 The Culture and Language Advocate will carry out his/her duties in a manner that respects each party, consistent with the objective of promoting and respecting Dene Zhatie and the culture and way of life of the Dehcho Dene.

CHL.6.0 FUNDING

CHL.6.1 Canada and the Government of Northwest Territories shall contribute funds to the Dehcho Government to assist in the revitalization, teaching and preservation of Dene Zhatie. Such contributions will be set out in an Appendix to the Culture, Language and Heritage chapter of the Dehcho Agreement.