

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, Sacred Site or Spiritual Site.

Burial Site – means a site that contains or might contain the remains of a Dehcho Dene, or an ancestor of a Dehcho Dene, or for which there is evidence that the site did or might have contained such remains, and includes human remains and associated grave goods.

Heritage Resources – means any artifact, object, or record of archaeological, historical or cultural significance to the Dehcho Dene.

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

Place Names – to be defined as Dehcho Dene Place Names in Dene Zhatie.¹

Sacred Site - means a site where Dehcho Dene carry out traditional and cultural activities and that is declared to be a Sacred Site according to Dehcho Dene traditions, and is listed in Appendix CLH A.

Spiritual Site – means a site which the Dehcho Dene traditionally recognize as a place associated with legends of a spiritual nature and unique to the beliefs and customs of the Dehcho Dene, and is listed in Appendix CLH B.

¹ Dene Zhatie are the languages of the Dehcho Dene and includes Michif.

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 language, culture and heritage and to ensure that the Dehcho Dene have primary jurisdiction for preservation and management of Burial Sites, Heritage Resources, Heritage Sites, Sacred Sites 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 language, culture 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 CULTURAL AND HERITAGE RESOURCES

- CLH 2.1 The Dehcho Government has exclusive jurisdiction over Archaeological Activity, Burial Sites, Heritage Resources, Heritage Sites, Sacred Sites and Spiritual Sites in Dehcho Ndehe.
- CLH 2.2 The Dehcho Government may exclusively make laws on Dehcho Ndehe in relation to:
- a. the preservation and management of Burial Sites, Heritage Resources, Heritage Sites, Sacred Sites and Spiritual Sites;
 - b. the issuance of authorizations that involve or may affect Archaeological Activity, Burial Sites, Heritage Resources, Heritage Sites, Sacred Sites and Spiritual Site, including the requirement for authorizations, and the terms and conditions to be attached to any authorization; and
 - c. establishment of guidelines for research permits or other activities requiring a license, permit or authorization.
- CLH 2.3 Canada and the Government of Northwest Territories will immediately 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 immediately 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, Heritage Sites, Sacred Sites and Spiritual Sites may be issued on Dehcho Ndehe without the written consent of the Dehcho Government.
- CLH 2.6 No authorization that may affect Heritage Resources, Heritage Sites, Sacred Sites and Spiritual 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 written 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 Burial Sites and 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 Resource Management Authority will issue authorizations for Archaeological Activity, or that may affect a Burial Site, Heritage Resource, Heritage Site, Sacred Site and Spiritual Site.
- CLH 2.11 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, Sacred Sites and Spiritual Sites throughout the Dehcho Settlement Area.
- 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 authority to enact laws in relation to Dehcho culture, heritage 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 and heritage of the Dehcho Dene;
 - b. the preservation, promotion and development of Dehcho Dene culture and 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, culture and heritage of the Dehcho Dene, including the certification of teachers;
- g. the assignment or alteration of Place Names.

CLH 3.3 The Dehcho Government will establish a Dehcho Languages Board that will provide advice to the Dehcho Government on the preservation, promotion, development and protection of Dene Zhatie.

CLH 4.4 The Dehcho Languages Board will also consult with Canada and the Government of Northwest Territories on how to facilitate the preservation, promotion, development and protection of Dene Zhatie within the programs and services of their respective jurisdictions.

CLH 4.0 CULTURE AND LANGUAGE ADVOCATE

CLH 4.1 As soon as possible after the effective date, a Culture and Language Advocate shall be appointed by the Dehcho Government and funded jointly by the parties to advise the parties on how to use their respective authority in ways that respect and promote Dene Zhatie and the culture and way of life of the Dehcho Dene.

CLH 4.2 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 4.3 The Culture and Language Advocate shall be resident in the Northwest Territories, fluent in at least one of the Dene Zhatie languages, and be familiar with the culture and way of life of the Dehcho Dene.

CLH 4.4 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.

CLH 4.5 The Culture and Language Advocate will be Chair of the Dehcho Languages Board.

CLH 5.0 FUNDING

CLH 5.1 Canada and the Government of the Northwest Territories shall contribute funds to the Dehcho Government to assist in the revitalization, teaching and preservation of Dene Zhatie.

CLH 5.2 The Dehcho Government, Canada, the Government of the Northwest Territories shall jointly fund the Dehcho Languages Board.

CLH 5.3 Such contributions will be set out in an Appendix to the Language, Culture and Heritage chapter of the Dehcho Agreement.

CLH 6.0 DISPUTE RESOLUTION

CLH 7.0 CONFLICT OF LAWS

CLH 7.1 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.

Comment [LP1]: Need dispute resolution clause for disagreement over specific Burial Sites or Heritage Resources, etc...