

Dehlá Got'jne Tseduweh ʔəde Ah'ah, 2019

DRAFT AS OF OCTOBER 21, 2019

**SUBJECT TO CONSULTATION & APPROVAL BY THE BEHDZI AHDA" FIRST NATION &
COLVILLE LAKE RENEWABLE RESOURCES COUNCIL**

Preamble

WHEREAS Treaty 11, and the inherent rights of the Dehlá Got'ıne are protected by section 35 of the *Constitution Act, 1982*;

WHEREAS Section 13.6.3 of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement, 1993* states "Government shall work with users of the Bluenose caribou herd for the purpose of establishing an agreement for the management of the herd"; and

WHEREAS section 13.6.4 of *Sahtu Dene and Metis Comprehensive Land Claim Agreement, 1993* states "Any management agreements established with respect to the Bluenose or Bathurst caribou herds shall apply to the herds named therein, notwithstanding any provisions of this agreement which may be inconsistent with such agreements";

WHEREAS section 13.9.4 (d) of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement, 1993* states "a Renewable Resources Council shall" ... "exercise powers given to the Renewable Resources Council under this agreement";

WHEREAS section 13.6.3, 13.6.4 and section 13.9.4(d) which read with section 13.6.3, establishes that the Colville Renewable Resources Council, the Behdzi Ahda" First Nation, and the Ayoni Keh Land Corporation as the representatives of the users of the Bluenose caribou herd, may make laws respecting the harvest of ʔade as part of the management of the herd;

WHEREAS the Behdzi Ahda" First Nation, the Ayoni Keh Land Corporation and Colville Lake Renewable Resources Council considers it to be in the best interests of the members to set out the ancient caribou laws of the *Dehlá Got'ıne*;

NOW THEREFORE the Behdzi Ahda" First Nation, the Ayoni Keh Land Corporation and Colville Lake Renewable Resources Council enacts as follows:

PART I - Citation

Citation

1. This Law may be cited as the *Dehlá Got'ıne Tseduweh ʔade Ah'ah, 2019*.

PART II - Interpretation and Application

Purpose

2. The objective of this Law is to protect and maintain ʔade for present and future generations.

General Provisions

3. This Law is a living document based on Tseduweh ah'ah and Dehlá Got'ıne oral traditions and traditional knowledge.

Definitions

4. (1) Unless the context indicates the contrary, in this Law;

“Act” means the *Northwest Territories Wildlife Act*;

“Ah’ah” means law;

“Board” means the Sahtu Renewable Resources Board;

“Council” means the Colville Lake Renewable Resources Council;

“Dehlá Got’ıne” means the most northerly people who are members of the Behdzi Ahda” First Nation and members of the Ayoni Keh Land Corporation;

“Ǿede” means caribou;

“First Nation” means the Behdzi Ahda” First Nation;

“Harvester” means a member of a Sahtu First Nation or another First Nation or a beneficiary of a Sahtu Land Corporation or other Land Corporation who is harvesting in the Dehlá Got’ıne traditional territory;

“Minister” means the minister responsible for the Act;

“Sahtu Land Claim Agreement” means the *Sahtu Dene and Metis Comprehensive Land Claim Agreement, 1993*;

“traditional territory” means the traditional territory of the Dehlá Got’ıne in the Sahtu settlement area including Arake Tue also known as Horton Lake;

“Tseduweh” means ancient.

Posting of Public Notice

5.(1) If a public notice must be posted under this Law, the public notice is properly posted if a written notice is placed in a conspicuous and accessible place for public viewing in the principal administrative offices of the First Nation.

(2) Unless expressly provided otherwise, if a public notice of a meeting must be posted under this Law the notice must be posted at least seven (7) days before the date of the meeting.

Conflict of Laws

6.(1) If there is a conflict between this Law and another First Nation or Council law, this Law prevails.

(2) If there is a conflict between this Law and the Act, this Law prevails.

(3) If there is a conflict between this Law and the Sahtu Land Claim Agreement, this Law prevails, as set out in section 13.6.4 of the Sahtu Land Claim Agreement.

Scope and Application

7. This Law applies to the harvest of Ǿede in the traditional territory of the Dehlá Got’ıne.

PART III - Roles and Responsibilities

DIVISION 1 - Council

Responsibilities of Council

- 8.** The Council is established by the Sahtu Land Claim Agreement.
- 9.** The Council has roles, in accordance with the Sahtu Land Claim Agreement, in respect of the conservation and management of ʔəde.
- 10.** The Council is responsible for all matters relating to the harvest of ʔəde in the traditional territory of the Dehlá Got'íne whether or not they have been assigned or delegated to an officer, employee, committee, contractor or agent by or under this Law.
- 11.** Subject to the Sahtu Land Claim Agreement, this Law and any other applicable First Nation law, the Council may delegate to any of its officers, employees, committees, contractors or agents any of its functions under this Law except the following:
 - (a) the approval of Council policies, procedures or directions.

Council Policies, Procedures and Directions

- 12.** The Council may establish policies and procedures and give directions respecting any matter relating to the harvest of ʔəde in the traditional territory of the Dehlá Got'íne.
- 13.** The Council may enter into agreements with the Board with respect to their involvement in the conservation and management of ʔəde in the traditional territory of the Dehlá Got'íne.
- 14.** The Council may enter into agreements with the Minister with respect to their involvement in the conservation and management of ʔəde in the traditional territory of the Dehlá Got'íne.

PART IV - RIGHTS AND AUTHORIZATIONS

- 15.** Dehlá Got'íne, using Dehlá Got'íne traditional ʔəde harvest methods, are authorized to harvest ʔəde in the Dehlá Got'íne area for personal and family food, and for sharing according to their personal choice.

“traditional ʔəde harvest methods” means harvesting in a respectful manner that results in the quick kill of the ʔəde.

“personal and family food” means ʔəde harvested for the domestic use and consumption.

“sharing according to their personal choice” means the Dehlá Got'íne or Harvester may share ʔəde for personal and family food according to the Dehlá Got'íne Ah'ah of sharing including sharing with elders, widows, and single mothers.

- 16.** The Colville RRC will provide Dehlá Got'íne with a form of identification as evidence of authorization to harvest ʔəde in Zone S/BC/01.

Harvesters: Sahtu First Nation Members/ Other First Nation Members and Sahtu Beneficiary/other Land Claim Beneficiary

17. Harvesters, who are planning to harvest ʔəde or any other wildlife for personal and family food, or sharing according to their personal choice, must receive majority consent and written authorization from the Council before entering the Dehlá Got'ıne traditional territory.

18. Subject to section 16, Harvesters, may harvest ʔəde in the Dehlá Got'ıne traditional territory

(a) while under the direct supervision of a Dehlá Got'ıne, who is entitled or authorized to harvest ʔəde in the Dehlá Got'ıne traditional territory, and who has agreed to supervise the Harvester; and

(b) under the authority of and subject to the conditions or limits on the authorization to harvest granted by the Council, as set out in the authorization form attached in Schedule A.

Non-First Nation Members or Non-Beneficiaries

19. A person who is not a member of a First Nation or is not a land claim beneficiary is not permitted to harvest əde in the Dehlá Got'ıne traditional territory.

Respect for ʔəde

20. No Dehlá Got'ıne or Harvester shall,

(a) engage in an activity that is likely to result in a significant disturbance to ʔəde; or

(b) unnecessarily chase, fatigue, disturb, torment or otherwise harass ʔəde.

21. No Dehlá Got'ıne or Harvester shall waste, destroy, abandon or allow to spoil

(a) the edible parts of ʔəde;

(b) raw hides of ʔəde;

(c) the antlers or any part of ʔəde.

Harvesting Method and Equipment

22. No Dehlá Got'ıne or Harvester shall harvest ʔəde except with a firearm.

23. For greater certainty, no Dehlá Got'ıne or Harvester shall harvest ʔəde by means of a bow and arrow, crossbow, axe, stick, or any type of club.

Harvest Site

24. No Dehlá Got'ıne or Harvester shall leave a harvest site in an unclean manner.

Dangerous Harvesting

25. No Dehlá Got'ıne or Harvester shall harvest ʔəde from or within a 1 kilometer radius of the winter road between Fort Good Hope and Colville Lake.

Prohibited Activities

26. No Dehlá Got'ine or Harvester shall,

- (a) sell the meat or any part of ʔəde;
- (d) buy the meat or any part of ʔəde;
- (b) trade the meat or any part of ʔəde for drugs or alcohol.

27. Burning of any harvested ʔəde is extremely disrespectful to ʔəde and is strictly forbidden as a major offence.

PART V - Enforcement

28. ENR may be invited to assist the RRC to enforce the Dehla Got'ine ʔəde Ah'ah.¹

Appointment

29. The Council may appoint officers for the purposes of this Law and the regulations.

Peace Officer

30. (1) For the purposes of this Law and the regulations, an officer is a peace officer and has the powers and protections provided to a peace officer by law.

(2) An officer may administer all oaths and affirmations and take and receive all affidavits and statutory declarations required under this Law or the regulations, other than an oath or affirmation referred to in subsection (3), and may certify the administration or taking or receiving of them.

An officer shall take and subscribe to an oath or affirmation in the following form, translated, if he or she so requests, into an Official Language of the Northwest Territories other than English or French: I,, solemnly (swear/affirm) that I will diligently, impartially and to the best of my ability, execute and perform the duties required of me as an officer, and will follow all lawful instructions that I receive as an officer, without fear of, or favour or affection toward any person. (So help me God/I so affirm).

31. Colville RRC monitors and ENR have permission from the Colville RRC to ask any harvesters in the Dehla Got'ine area if they have authorization from Colville RRC to be harvesting in the Dehla Got'ine area.

32. Be prepared to provide proof of your authorization to either a Colville RRC wildlife monitor or ENR officer.

33. Majority consent and written authorization, from the Colville RRC, before entering the Dehla Got'ine area, must be received.

¹ Dept. of Justice, GNWT must be contacted to enter into an MOU for Alternative Measures & Restorative Justice such as diversion.

Justice Committee

34. The Council may appoint Justice Committee members for the purposes of this Law and the regulations.

35. The Justice Committee is established to address violations of this Law.

36. The Council must appoint not less than three (3) members of the Justice Committee, a majority of whom must have knowledge of Dehla Got'ine traditional laws and values and all of whom must be independent.

37. For purposes of this section, an individual is considered to be independent if the individual does not have a direct relationship with a person that could, in the opinion of Council, reasonably interfere with the exercise of independent judgment as a member of the Justice Council.

Offences and Punishment

38. Sanctions may include bans from harvesting in the Dehla Got'ine traditional territory, participating in harvest education classes, community services hours, fines and referrals to ENR officers/ NWT courts.

Coming Into Force

39. This Law comes into force on the day after it is approved by the Colville Renewable Resources Council.

Schedule A
Colville Lake Renewable Resources Council
Authorization Form for non-Dehla Got'ine Harvesters

The Colville Lake Renewable Resources Council met on the _____ day of _____, 20____ to consider the grant of authorization to _____ who is a member of the _____ First Nation or who is a member of the _____ Land Corporation to harvest ʔəde according to the *Dehla Got'ine Tseduweh ʔəde Ah'ah, 2019*.

The Council hereby authorizes _____ to harvest ʔəde in the Dehla Got'ine traditional territory, in the presence of _____ who is a Dehla Got'ine member and the harvest is limited to _____.

This authorization is valid from the date of _____, 20__ to _____, 20__.

Wilbert Kochon

George Oudzi

Georgina Oudzi- Barnaby

Alvin Orlas

Fred John Barnaby

Theresa Kakfwi

Dakota Orlas

Acknowledgement

I _____ [insert name of First Nation or Land corporation member] acknowledge that I have read and understand the Dehla Got'ine Law and will respect the Dehla Got'ine Law for the harvest of ʔəde.

Signature of First Nation member or
Land Corporation beneficiary

Date