

## Gwich'in Land Claim Settlement Act

1992, c. 53

[Assented to December 17, 1992]

An Act to approve, give effect to and declare valid the Agreement between Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal Council, and to amend an Act in consequence thereof

### Preamble

WHEREAS the Gwich'in, from time immemorial, have traditionally used and occupied lands in Yukon and the Northwest Territories;

WHEREAS the *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

WHEREAS Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal Council, have negotiated in order to achieve certainty and clarity of rights with respect to ownership and use of land and resources;

WHEREAS Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal Council, on April 22, 1992, entered into a comprehensive land claims agreement that, in exchange for the release by the Gwich'in of certain rights and claims as set out in the Agreement, defines certain rights that the Gwich'in shall have, and confirms the treaty rights of the Gwich'in that are unaffected by that release;

WHEREAS the Agreement further provides that the Agreement will be a land claims agreement referred to in section 35 of the *Constitution Act, 1982* and that approval by Parliament is a condition precedent to the validity of the Agreement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1992, c. 53, Preamble; 2002, c. 7, s. 175(E).

### SHORT TITLE

#### Short title

1. This Act may be cited as the *Gwich'in Land Claim Settlement Act*.

### INTERPRETATION

#### Definition of "Agreement"

2. In this Act, "Agreement" means the Comprehensive Land Claim Agreement between Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal Council, signed on April 22, 1992, tabled in the House of Commons for the Minister of Indian Affairs and Northern Development on November 16, 1992, and includes amendments made from time to time pursuant to the Agreement.

### HER MAJESTY

#### Binding on Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

### AGREEMENT

#### Agreement

4. (1) The Agreement is hereby approved, given effect and declared valid.

#### Idem

(2) For greater certainty, where the Agreement confers on any person or body a right, privilege, benefit or power, requires any person or body to perform a duty or subjects any person or body to a liability, that person or body may exercise the right, privilege, benefit or power, shall perform the duty or is subject to

	the liability to the extent provided for by the Agreement.
Idem	(3) For greater certainty, title to lands vests in the Gwich'in Tribal Council as set out in the Agreement.
Renewable Resources Board	5. For the purposes of carrying out its objectives, the Renewable Resources Board established by the Agreement has the capacity, rights, powers and privileges of a natural person.
Orders and regulations	6. The Governor in Council may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.
Publication of Agreement and amendments	<p>7. The Minister of Indian Affairs and Northern Development shall cause a certified copy of the Agreement and any amendments thereto to be deposited in</p> <p>( a) the library of the Department of Indian Affairs and Northern Development that is situated in the National Capital Region;</p> <p>( b) the regional offices of the Department of Indian Affairs and Northern Development that are situated in Yukon and the Northwest Territories;</p> <p>( c) the legislative libraries of the Government of Yukon and the Government of the Northwest Territories; and</p> <p>( d) such other places as the Minister deems necessary.</p> <p>1992, c. 53, s. 7; 2002, c. 7, s. 176(E).</p>

## OTHER LAWS

Inconsistency or conflict	8. Where there is any inconsistency or conflict between this Act or the Agreement and the provisions of any law, this Act or the Agreement, as the case may be, prevails to the extent of the inconsistency or conflict.
Settlement corporations	<p>8.1 A charter may be granted under subsection 154(1) of the <i>Canada Corporations Act</i> establishing a settlement corporation within the meaning of the Agreement to carry on, with pecuniary gain to its members, the activities permitted by the Agreement.</p> <p>1994, c. 27, s. 12.</p>

## APPROPRIATION

Payments out of C.R.F.	9. There shall be paid out of the Consolidated Revenue Fund such sums as may be required to meet the monetary obligations of Canada under chapters 8 and 9 of the Agreement.
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## CONSEQUENTIAL AMENDMENT

10. [Amendment]

## COMING INTO FORCE

Coming into force	* 11. This Act shall come into force on a day to be fixed by order of the Governor in Council.
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\* [Note: Act in force December 22, 1992, see SI/93-1.]