

Yukon First Nations Land Claims Settlement Act

1994, c. 34

[Assented to July 7, 1994]

An Act to approve, give effect to and declare valid land claims agreements entered into between Her Majesty the Queen in right of Canada, the Government of Yukon and certain first nations in Yukon, to provide for approving, giving effect to and declaring valid other land claims agreements entered into after this Act comes into force, and to make consequential amendments to other Acts

Preamble

WHEREAS representatives of Her Majesty the Queen in right of Canada, the Government of the Yukon Territory and the Council for Yukon Indians signed the Umbrella Final Agreement on May 29, 1993, the provisions of which are intended to be incorporated into final agreements for the settlement of land claims of first nations in the Yukon Territory;

WHEREAS the Champagne and Aishihik First Nations, the First Nation of Nacho Nyak Dun, the Teslin Tlingit Council and the Vuntut Gwitchin First Nation have each entered into a final agreement with Her Majesty and the Government of the Yukon Territory, incorporating the provisions of the Umbrella Final Agreement and including provisions specific to each first nation;

WHEREAS agreements may be entered into with respect to aboriginal claims to lands in British Columbia and the Northwest Territories by persons enrolled under final agreements as well as aboriginal claims to lands in Yukon by certain people outside that territory;

AND WHEREAS the Government of Canada has undertaken to recommend to Parliament the enactment of legislation for approving, giving effect to and declaring valid final agreements and transboundary agreements;

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

1994, c. 34, Preamble; 2002, c. 7, s. 254.

SHORT TITLE

Short title

1. This Act may be cited as the *Yukon First Nations Land Claims Settlement Act*.

INTERPRETATION

Definitions

2. In this Act,

“final agreement”
« *accord définitif* »

“final agreement” means a land claims agreement for a first nation that includes provisions specific to the first nation and incorporates the provisions of the Umbrella Final Agreement, and includes any amendments made to it from time to time in accordance with its provisions;

“first nation”
« *première nation* »

“first nation” means a first nation named in the schedule;

“settlement land”
« *terres désignées* »

“settlement land” means land identified in a first nation’s final agreement as settlement land of the first nation;

“transboundary agreement”
« *accord transfrontalier* »

“transboundary agreement” means a transboundary agreement as defined in final agreements, and includes any amendments made to it from time to time in accordance with its provisions;

“Umbrella Final Agreement”
« *accord-cadre* »

“Umbrella Final Agreement” means the Umbrella Final Agreement signed on May 29, 1993 by representatives of the Council for Yukon Indians, Her Majesty the Queen in right of Canada and the

Government of the Yukon Territory, and includes any amendments made to it from time to time in accordance with its provisions.

HER MAJESTY

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

LAND CLAIMS AGREEMENTS

Four final agreements given effect **4.** Each of the following final agreements entered into between Her Majesty the Queen in right of Canada, the Government of the Yukon Territory and the respective first nation, signed on May 29, 1993, is hereby approved, given effect and declared valid:

- (a) the Champagne and Aishihik First Nations Final Agreement;
- (b) the First Nation of Nacho Nyak Dun Final Agreement;
- (c) the Teslin Tlingit Council Final Agreement; and
- (d) the Vuntut Gwitchin First Nation Final Agreement.

Future agreements **5.** (1) The Governor in Council may, by order, approve, give effect to and declare valid any final agreement or transboundary agreement entered into after this Act comes into force.

Tabling (2) An order approving a final agreement or transboundary agreement shall be laid before the House of Commons on any of the first thirty days on which that House is sitting after the order is made.

EFFECT OF AGREEMENTS

Constitution Act, 1982 **6.** (1) A final agreement or transboundary agreement that is in effect is a land claims agreement within the meaning of section 35 of the *Constitution Act, 1982*.

Third parties (2) For greater certainty, such an agreement is binding on all persons and bodies that are not parties to it.

Title to lands **7.** For greater certainty, a first nation for which a final agreement is in effect has the rights, title, obligations and liabilities in respect of settlement land provided for in the final agreement.

Rights and duties **8.** For greater certainty, any person or body has the powers, rights, privileges and benefits conferred on the person or body by a final agreement or transboundary agreement that is in effect and shall perform the duties and is subject to the liabilities imposed on the person or body by the agreement.

BOARDS, COMMISSIONS AND COUNCILS

Bodies constituted **9.** (1) For the purposes of carrying out their objectives, the Yukon Land Use Planning Council, the Yukon Heritage Resources Board, the Yukon Geographical Place Names Board, the Fish and Wildlife Management Board and its salmon subcommittee, and the Dispute Resolution Board, established under final agreements, each have the capacity, rights, powers and privileges of a natural person.

Renewable resources councils (2) For the purposes of carrying out its objectives, a renewable resources council established under a final agreement that is in effect has the capacity, rights, powers and privileges of a natural person.

Kluane National Park Management Board (3) For the purposes of carrying out its objectives, the Kluane National Park Management Board established under the Champagne and Aishihik First Nations Final Agreement has the capacity, rights, powers and privileges of a natural person.

Other bodies (4) For the purposes of carrying out its objectives, any body established under a final agreement or transboundary agreement entered into after this Act comes into force has, to the extent provided by the agreement, the capacity, rights, powers and privileges of a natural person from the day the agreement is given effect.

Settlement corporations **10.** A charter may be granted under subsection 154(1) of the *Canada Corporations Act* establishing a settlement corporation, referred to in a final agreement that is in effect, to carry on, with pecuniary gain to its members, the activities permitted by the agreement.

Status of Enrollment Commission **11.** (1) For the purposes of carrying out its objectives, the Enrollment Commission established on July 1, 1989 has the capacity, rights, powers and privileges of a natural person.

Idem (2) The Enrollment Commission is deemed to have had, since it was established, the jurisdiction, power and authority provided by final agreements, other than the powers referred to in subsection (3).

Power to compel (3) The Enrollment Commission has the powers provided in the *Public Inquiries Act* (Yukon), as

evidence	amended from time to time, to direct and compel the production of documents and the attendance of witnesses, other than a minister of the Crown in right of Canada or a member of the Executive Council, as defined in the <i>Interpretation Act</i> (Yukon), as amended from time to time.
Enforcement	(4) An order or decision of the Enrollment Commission made before or after this Act comes into force may be filed in the Supreme Court of Yukon, and when so filed may be enforced as an order of that Court.
Enrollment committees	(5) An enrollment committee established by a first nation has the powers required to carry out its responsibilities as referred to in final agreements. 1994, c. 34, s. 11; 2002, c. 7, s. 255(E).

APPLICATION OF LAWS AND AGREEMENTS

<i>Indian Act</i>	12. When a final agreement is given effect, the <i>Indian Act</i> ceases to apply in respect of any reserve, within the meaning of that Act, that is identified in the agreement as settlement land.
Laws of general application	13. (1) Subject to subsections (2) and (3), federal and territorial laws, including the <i>Yukon First Nations Self-Government Act</i> , apply to a first nation for which a final agreement is in effect, to persons enrolled under such an agreement and in respect of settlement land of the first nation.
Conflict of agreements with laws	(2) In the event of a conflict or inconsistency between a final agreement or transboundary agreement that is in effect and any federal or territorial law, including this Act, the agreement prevails to the extent of the conflict or inconsistency.
Conflict of Act with other Acts	(3) In the event of a conflict or inconsistency between this Act and any other enactment, this Act prevails to the extent of the conflict or inconsistency.
Conflict within final agreement	(4) In the event of a conflict or inconsistency between provisions of the Umbrella Final Agreement incorporated in a final agreement that is in effect and provisions of the final agreement that are specific to the first nation, the provisions of the Umbrella Final Agreement prevail to the extent of the conflict or inconsistency.
Conflict with I.F.A.	(5) In the event of a conflict or inconsistency between the Inuvialuit Final Agreement, as it read on March 31, 1993, and a final agreement or transboundary agreement that is in effect, the Inuvialuit Final Agreement prevails to the extent of the conflict or inconsistency.
Interpretation of this Act	(6) Where there is doubt as to the meaning of any provision of this Act, a final agreement or transboundary agreement that is in effect may be examined as an aid to interpretation.

APPROPRIATION

Payments out of C.R.F.	14. There shall be paid out of the Consolidated Revenue Fund the sums that are required to meet the monetary obligations of Canada under chapter 19 of each final agreement that is given effect by section 4, and under the corresponding provisions of each final agreement that is given effect under section 5.
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DEPOSIT

Agreements and amendments	15. The Minister of Indian Affairs and Northern Development shall cause a certified copy of each final agreement and transboundary agreement that is given effect by or under this Act, and of any amendments made to such an agreement, to be deposited in <ul style="list-style-type: none"> (a) the Library and Archives of Canada; (b) the library of the Department of Indian Affairs and Northern Development situated in the National Capital Region; (c) such regional offices of the Government of Canada situated in Yukon as the Minister considers advisable; and (d) such other places as the Minister considers advisable. 1994, c. 34, s. 15; 2002, c. 7, s. 256(E); 2004, c. 11, s. 50.
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CONSULTATION

Consultation	16. Consultations referred to in clause 20.6.3 of a final agreement in connection with measures necessary for the purpose of giving effect to clause 20.6.1 or 20.6.2 of the agreement shall be carried out in the manner provided by the agreement.
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POWERS OF GOVERNOR IN COUNCIL

Orders and regulations

17. The Governor in Council may make such orders and regulations as are necessary for the purpose of carrying out any provision of a final agreement or transboundary agreement that is in effect.

CONSEQUENTIAL AMENDMENTS

18. and 19. [Amendments]

20. (1) and (2) [Repealed, 2002, c. 7, s. 257]

(3) [Amendment]

(4) [Repealed, 2002, c. 7, s. 257]

COMING INTO FORCE

Coming into force

*21. (1) Subject to subsection (2), this Act comes into force on a day to be fixed by order of the Governor in Council.

(2) [Repealed, 2002, c. 7, s. 258]

* [Note: Act, except subsections 20(1), (2) and (4), in force February 14, 1995, see SI/95-19; subsections 20(1), (2) and (4) repealed by 2002, c. 7, s. 257, in force April 1, 2003, see SI/2003-48.]
1994, c. 34, s. 21; 2002, c. 7, s. 258.

SCHEDULE

(Section 2)

FIRST NATIONS

Carcross/Tagish First Nation

Champagne and Aishihik First Nations

Kluane First Nation

Kwanlin Dun First Nation

Liard First Nation

Little Salmon/Carmacks First Nation

First Nation of Nacho Nyak Dun

Ross River Dena Council

Selkirk First Nation

Ta'an Kwach'an Council

Teslin Tlingit Council

Tr'ondëk Hwëch'in

Vuntut Gwitchin First Nation

White River First Nation

1994, c. 34, Sch.; 1999, c. 31, ss. 224, 225.