

ANNUAL REPORT OF THE IMPLEMENTATION COMMITTEE

Délı̨ne

FINAL SELF-GOVERNMENT AGREEMENT

APRIL 1, 2018 – MARCH 31, 2019



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Glossary and Pronunciation Guide

ʔekw'ahtłdé: (Chief)

Pronunciation: eh-kw'ah-tee-day

Meaning: highest honest leader

ʔohda: (Elders)

Pronunciation: own(h)-da

Meaning: Elders

Délı̨ne:

Pronunciation: Deh-le-nay

Meaning: where the water flows

Délı̨ne ʔohda K'áowə Kə: (name given to Elders Council)

Pronunciation: Deh-le-nay Own(h)-da
Kah-way Kay
Meaning: Délı̨ne (where the water flows)
ʔohda (Elders)
K'áowə (Leader)
Kə (Group)

Délı̨ne Got'ı̨nə ʔezađó: (name for the Constitution)

Pronunciation: Deh-le-nay Go-t'ee(click sound)-nay Eh-y-ah-doe
Meaning: Délı̨ne (where the water flows)
Got'ı̨nə (one group of people)
ʔezađó (Highest Law)

Délı̨ne Got'ı̨nə Government (DGG):

Pronunciation: Deh-le-nay Go-t'ee(click sound)-nay
Meaning: Délı̨ne (where the water flows)
Got'ı̨nə (one group of people)

Délı̨ne K'áowedó Kə: (name given to Main Council)

Pronunciation: Deh-le-nay Kah-way-doe Kay

Meaning: Délı̨ne (where the water flows)
K'áowedó (Highest Leaders)
Kə (Group)

Délı̨ne Łénats'ehdá Dzené: (name given to the Community Gathering)

Pronunciation: Deh-le-nay See-eh-na-ts'ay-day Dzeh-neh
Meaning: Délı̨ne (where the water flows)
Łénats'ehdá (Gathering)
Dzené (Day/Date)

Dene Gha Gok'ə Réhkw'i: (beneficiary board)

Pronunciation: Deh-nay Ga Go-k'ay-ray-kw'ee
Meaning: Dene (People)
Gha (for)
Gok'ə Réhkw'i (sitting)

Dene K'ə Dats'eredı Kə: (name given to the Justice Council)

Pronunciation: Deh-nay K'ay Da-ts'ay-ray-dee Kay
Meaning: Dene (People)
K'ə (on behalf of)
Dats'eredı (Prevention, Defending, Helping)
Kə (Group)

Acronyms and Abbreviations

CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CMHC	Canada Mortgage and Housing Corporation
CRA	Canada Revenue Agency
DFN	Délı̨nę First Nation
DGG	Délı̨nę Got'ı̨nę Government
EIA	Department of Executive and Indigenous Affairs (GNWT)
ENR	Department of Environment and Natural Resources (GNWT)
FA	Financing Agreement
FDDIPI	Final Domestic Demand Implicit Price Index for Canada
FNIHB	First Nations and Inuit Health Branch (Canada)
FSGA	Final Self-Government Agreement
GNWT	Government of the Northwest Territories
GTF	Gas Tax Fund
IC	Implementation Committee
IP	Implementation Plan
NTHSSA	Northwest Territories Health and Social Services Authority
NWT	Northwest Territories
NWTHC	Northwest Territories Housing Corporation
OSR	Own Source Revenue
SDMCLCA	Sahtu Dene and Métis Comprehensive Land Claim Agreement

Foreword

The Déliné Implementation Committee (IC) is pleased to present its third annual report on the implementation of the Déliné Final Self-Government Agreement (FSGA). The report covers the twelve month period from April 1, 2018 to March 31, 2019.

The Déliné Got'ıné Government (DGG) was established on September 1, 2016. It was the result of eighteen years of negotiations between Canada, the Government of the Northwest Territories (GNWT) and the community of Déliné. Negotiations were in accordance with Chapter 5 of the Sahtu Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA), which provided Déliné, as a Sahtu community, the authority to negotiate a self-government agreement with the Crown. The completed agreement, the Déliné FSGA, provides for a tripartite IC and a Finance Committee, meant to deal with matters arising out of the implementation of the self-government agreement and the financing agreement, respectively.

Two years after the Effective Date of the Déliné FSGA, the Implementation and Finance Committees continue to work on implementation matters. Work remains focused on ensuring the continued smooth transition to self-government, and tackling the various associated challenges. In the 2018-2019 year, the Committees worked with the DGG to explore program and funding options, ensured the publication of annual reports and worked towards clarifying challenges related to taxation.

In July 2018, the DGG held its first general election, electing Leeroy Andre as ?ek'wahtjé (Chief). The Committees would like to thank former ?ek'wahtjé Raymond Tutcho for his work with the Committees.

Canada's representative on the Committees, Dale Pegg, Director of Treaty Management West, Implementation Sector, vacated the position in March 2019. The Committees would like to thank Dale Pegg for his work on the Committee.

Chapter 1

Délı̨ne Implementation Committee

The IC consists of a senior official representing each of the parties: the DGG, the GNWT and the Government of Canada. The IC functions by consensus and serves as a forum where parties can raise issues and voice their concerns.

The role of the IC is to monitor the ongoing obligations of the Délı̨ne FSGA and to resolve issues arising with respect to the implementation of the FSGA. This annual report describes the achievements and developments during the fiscal year. Information is contributed by the DGG or other institutions created by the FSGA, various territorial and federal departments, and other stakeholders.

Progress is being achieved within a relationship defined by mutual respect and a commitment to fulfill the obligations set out in the FSGA.

Délı̨ne Got'ı̨ne Government

The DGG is committed to fulfilling its ongoing responsibilities to implement the FSGA. From April 1, 2018 to March 31, 2019, the DGG was represented on the IC by Mr. David Little, Chief Executive Officer.

Information on the DGG can be found online at www.deline.ca

Government of the Northwest Territories

The Department of Executive and Indigenous Affairs (EIA) is responsible for coordinating the GNWT's implementation activities under the FSGA, managing the allocation of implementation funds received from the Government of Canada, and representing the GNWT on the IC. From April 1, 2018 to March 31, 2019, the GNWT was represented on the IC by Ms. Sue Bowie, Director of Implementation, Executive and Indigenous Affairs.

Information on the GNWT can be found online at www.gov.nt.ca

Information on EIA can be found online at www.eia.gov.nt.ca

Government of Canada

The Government of Canada is represented on the IC by the Implementation Branch of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). The Implementation Branch serves as a liaison on Délı̨ne implementation issues for the DGG and other federal institutions and departments. Mr. Dale Pegg, Director, Treaty Management West, represented the Government of Canada on the IC from April 1, 2018 to March 31, 2019.

Information on the Government of Canada can be found at www.canada.ca

Information on CIRNAC can be found at www.canada.ca/en/crown-indigenous-relations-northern-affairs

Chapter 2

Overview and Background

Features of the Agreement

Government Structure

On September 1, 2016, the Délı̨nę FSGA became the first stand-alone, community-based self-government agreement to take effect in the Northwest Territories (NWT).

The FSGA established the DGG as an inclusive Indigenous public government that serves and represents all residents of the Délı̨nę District.

The ɻekw’ahj̒dá (which means “highest honest leader” in the Délı̨nę Got’ı̨nę dialect) is the elected leader of the DGG. The ɻekw’ahj̒dá sits on the Délı̨nę K’aowədó Kə, or Main Council, along with two Executive members, four Councillors and an Elder representative. The Délı̨nę K’aowədó Kə runs the government and passes laws. The DGG Finance Committee, made up of members from the K’aowədó Kə is responsible for the day-to-day decisions of the government. The ɻohda K’aowe Ke, or Elders Council, is composed of Délı̨nę Elders, and provides advice to the Main Council.

The DGG has five departments that are responsible for the day-to-day business of government. The five departments are: Government services; programs and services; lands, resources and environment; local services; and beneficiary services.

Jurisdictions

The FSGA sets out jurisdictions the DGG may exercise. The DGG has the authority to enact laws and assume program and service delivery responsibilities in the Délı̨nę District, in the following areas:

- Community affairs and local services, including elections, the regulation of liquor and gaming, local land use planning, etc.
- K-12 Education, Early Childhood Education, Adult Education, Training and Post-Secondary Education
- Language, culture and spirituality of the Sahtu Dene and Métis of Délı̨nę
- Adoption
- Child and Family Services
- Community Lands
- Traditional Health
- Social Housing
- Income Support
- Justice

Jurisdictions Deferred for Ten Years

The DGG has chosen to wait a minimum of ten years before initiating negotiations with Canada and the GNWT to address the following jurisdictions:

- Marriage
- Trusteeship and Guardianship
- Wills and Estates

Implementation

On the Effective Date (September 1, 2016), the DGG assumed responsibility for the provision of municipal services in Déliné.

While the FSGA makes it possible for the DGG to exercise jurisdiction and take on responsibility for a broad array of programs and services, the DGG is carefully planning which of those jurisdictions it will exercise in the coming years. In areas where the DGG has chosen not to exercise its jurisdiction by enacting a law, territorial programs and services will continue to be delivered by the GNWT.

Indigenous Government Responsibilities

As part of its Indigenous government responsibilities, the DGG replaced and assumed the responsibilities of the Déliné First Nation Band (#754), as well as the Déliné Land Corporation and Déliné Financial Corporation, the two organizations that were established to manage the land claim assets of the Déliné Dene and Métis participants under the SDMCLCA.

Déliné Citizens have guaranteed representation on the DGG. Déliné Citizens are people who were members of the Déliné First Nation Band (#754) or the Déliné Land Corporation, or who were entitled to become a member of either organization prior to Effective Date.

Dene Gha Gok’ə Réhkw’ı (Beneficiaries Board) has been established to allow all Déliné First Nation (DFN) Citizens, as participants under the SDMCLCA, to participate in the management of land claim assets of the Sahtu Dene and Métis of Déliné, regardless of where they live.

Administration of Lands

Prior to Effective Date, the Déliné Land Corporation, the GNWT’s Department of Lands, and the Charter Community of Déliné were all managing lands in Déliné. As of September 1, 2016, the DGG has been responsible for managing all lands in the Déliné District, with the exception of privately owned lands and those Commissioner’s lands that were retained by the GNWT for delivery of territorial programs and services.

Chapter 2

Overview and Background

Funding

Both the Government of Canada and the GNWT provide funding to the DGG. From Canada, the DGG received a one-time implementation funding amount of \$1.4 million on effective date (September 1, 2016). Post-effective date, the DGG receives ongoing funding from Canada, through a grant, for governance activities and the community economic development program. These grants are increased every year in accordance with the Final Domestic Demand Implicit Price Index for Canada (FDDIPI).

The GNWT provides local services funding to the DGG, as the DGG assumed responsibility over the provision of local services such as water, sewer, community road maintenance, and governance and administration of a local nature. Funding for local services is transferred on a monthly basis and is subject to yearly funding adjustors, including population changes.

The DGG may also raise its own revenue, referred to as own-source revenue, through taxes or business income, for example. The Financing Agreement (FA) details that over time, DGG's own-source revenue will increasingly be used to offset federal transfers. However, in the summer of 2017 the Government of Canada announced a moratorium on funding reductions related to own-source revenue. The own-source revenue policy has been suspended while Self-Governing Indigenous Governments and the Government of Canada work towards completion of the new self-government fiscal policy framework. Currently, the DGG's own-source revenue represents a small portion of their overall funding.

Chapter 3

2018-2019 Activities & Issues

The Implementation and Finance Committees met on: April 12, 2018 in Yellowknife, NT; October 16, 2018 in Délı̨nę, NT; and December 6, 2018 in Ottawa, ON.

Activities pursued and issues discussed by the Committees over the 2018-2019 fiscal year include:

Implementation Committee Biennial Health Meeting

Pursuant to clause 14.3.4 of the Délı̨nę FSGA, the Government of Canada, the GNWT and the DGG are required to meet at least once every two years to:

- a) Discuss the delivery of health care programs in the Délı̨nę District;
- b) Discuss health care priorities; and
- C) Review any agreements that Canada and the DGG or the GNWT and the DGG may have entered into pursuant to clause 14.2.1 or 14.2.3 of the Délı̨nę FSGA.

Canada's First Nations and Inuit Health Branch (FNIHB), of Indigenous Services Canada, and GNWT officials from the Department of Health and Social Services, the EIA, and the Northwest Territories Health and Social Services Authority (NTHSSA) met with DGG on May 15, 2018 in Délı̨nę. At the meeting, DGG officials expressed strong interest in greater control of health programming in the community.

Next Steps: FNIHB will negotiate the transfer of community wellness programs, if formally requested by the DGG.

Translation of the Délı̨nę Final Self-Government Agreement and printing of the Implementation Plan

In March 2018, Canada provided the DGG funding to support the translation of the Délı̨nę FSGA into plain-speak and Denekedeh (North Slavey), and to bind and distribute both versions. The funding also included binding and distribution of both versions of the translated FSGA, the Délı̨nę Implementation Plan (IP) and FA as well as English and Denekedeh recordings of all the above documents.

Next Steps: DGG will be working with local translators to complete the translation of the Délı̨nę FSGA and to move forward with printing, binding and distribution of the IP and FA.

Registry of Laws

Pursuant to section 3.7.2 of the Délı̨nę FSGA, the DGG is required to provide Canada and the GNWT with all DGG laws for information purposes. The parties agreed that providing notification via regular mail is cumbersome and discussed moving to electronic notification. A Record of Decision has been drafted to formalize the approach.

Next Steps: The proposed changes are under consideration by the DGG, public consultations will be required when the DGG is prepared to advance this issue.

Chapter 3

2018-2019 Activities & Issues

Annual Reports

Section 29.4.2 h) of the Délı̨nę FSGA requires the IC to produce an annual report on activities undertaken or completed, and successes achieved by the IC during that year as well as other matters set out in 29.4.5. Pursuant to a 2017 Memorandum of Understanding between the GNWT and Canada, the GNWT committed to draft, translate, design and print the 2016-2017 and 2017-2018 Annual Reports.

The GNWT led the draft, design and printing contracts for the 2016-2017 and 2017-2018 annual reports. Both reports were finalized and published, including the first Denekedeh version of the annual report (2017-2018). The GNWT completed all printing and production related services for both 2016-2017 and 2017-2018 reports, including the first Denekedeh version of the annual report (2017-2018).

Next steps: Canada will resume responsibility for the coordination of annual report production for the 2018-2019 fiscal year.

Housing

Chapter 15 of the Délı̨nę FSGA sets out the DGG's jurisdiction over social housing in the Délı̨nę District. While the Northwest Territories Housing Corporation (NWTHC) currently administers the provision of social housing in Délı̨nę, the DGG considers this a priority programming area for the community. In the fall of 2018, NWTHC executives made a presentation to the DGG to seek interest in entering a partnership arrangement to develop a community housing plan. This was followed by a tripartite meeting in Délı̨nę on January 9 and 10, 2019, to further the discussion on housing matters; the Canada Mortgage and Housing Corporation (CMHC) also participated in this meeting. CMHC provided a presentation on federal housing programs and opportunities available in the NWT. The DGG expressed interest in exploring funding opportunities and may develop a project proposal.

On August 8, 2019, the DGG passed a resolution to work in partnership with the NWTHC on a community housing plan for Délı̨nę.

Next steps: The DGG will establish an internal working group to advance housing and infrastructure matters. One or more representatives from the DGG will begin work with the NWTHC on development of a community housing plan.

Contaminated Sites

Contaminated sites remain an ongoing concern in Délı̨ne. Appendix C4 of the Délı̨ne FSGA sets out the contaminated sites list, the source of which is an old fuel pipeline that pre-dates the GNWT. A Preliminary Quantitative Risk Assessment conducted by Dillon Consulting in 2011 considered the matter in depth and found that the environmental quality within the contaminated area did not pose a significant risk to human health in its current state, therefore site-specific remediation was not deemed to be warranted.

As a measure of assurance, the Department of Environment and Natural Resources (ENR) of the GNWT, committed to undertake a monitoring program with the DGG to ensure regular and ongoing monitoring of the sites.

Next steps: ENR and the DGG will work together to design a monitoring program for the contaminated sites set out in Appendix C4 of the FSGA.

Finance Committee Gas Tax Fund

The Gas Tax Fund (GTF) is a federal fund run by Infrastructure Canada that provides bi-yearly funding to municipalities to support local infrastructure priorities. The funding is administered by provinces and territories on Infrastructure Canada's behalf. The DGG has expressed interest in exploring a direct funding relationship with Canada for gas tax funding, with a view to reducing any restrictions associated with the funds as currently administered. In October 2018, Canada committed to looking into the possibility of improving the access to the GTF. The GNWT committed to looking in to the GTF history and any anticipated increases.

Next steps: Canada and GNWT remain committed to supporting the DGG in accessing Délı̨ne's full allocation of gas tax funding.

Chapter 3

2018-2019 Activities & Issues

Personal Income Tax

The DGG has jurisdiction in relation to direct taxation and may negotiate with Canada and the GNWT, together or separately, an agreement respecting the taxation of DFN Citizens and non-DFN Citizens residing within Délînę lands. The DGG and Canada (Minister of Finance) entered into a Personal Income Tax Administration Agreement in 2016. Pursuant to the Agreement, Canada collects personal income tax on behalf of DGG and remits 95% of personal income tax revenue collected to DGG.

The DGG has experienced challenges associated with the accuracy of their allocation of personal income tax revenue due to variation in the number of active tax filers on an annual basis. The DGG has asked for Canada's assistance in finding resolution to this issue with the Canada Revenue Agency (CRA).

Next steps: Canada committed to facilitating a discussion between the DGG and the CRA to consider options to resolve outstanding challenges.

Federal Collaborative Fiscal Policy Development Process

Since April 2016, federal representatives and self-governing Indigenous governments have engaged in a collaborative process to update Canada's self-government fiscal policy. During the reporting year, the Collaborative Fiscal Policy Development Process reached an important milestone with the completion of a new fiscal model based on expenditure need. The main body of the policy, governance and administration, was approved in 2018 while work continues on the development of several supporting annexes, including the treatment of Own Source Revenue (OSR). In the future, Canada's collaborative fiscal discussions with self-governing Indigenous governments will consider policy change when it comes to Own Source Revenue, among other topics. The DGG participated in the Collaborative Fiscal Policy Development Process throughout the 2018-2019 fiscal year.

Next Steps: The DGG will continue to participate as required.

Renewal of the Financing Agreement

In order to benefit from the recently finalized federal fiscal policy, the parties initiated the early renewal of the Délînę FA in late 2018-2019.

The DGG has expressed interest in the inclusion of select federal programming in the FA. Canada has committed to exploring the potential for including additional programming as identified by the DGG.

Next Steps: The DGG and Canada will explore opportunities to include additional federal programming into the FA in accordance with eligibility parameters set out for inclusion of federal programming in a block transfer agreement.

Chapter 4

Other Related Agreements

In addition to the FSGA, the parties negotiated the IP, the FA, and the Tax Treatment Agreement. These agreements play a crucial role in determining funding, implementation of the FSGA, and the establishment of the DGG.

Implementation Plan

The tripartite IP came into effect on September 1, 2016. The IP addresses the obligations in the FSGA and describes how the parties will work together to implement those obligations.

Unlike the FA and the FSGA, the IP is not legally binding on the parties.

Financing Agreement

The FA is an ancillary agreement between the DGG, the GNWT and Canada. The FA has a 5 year term and sets out funding to be provided to the DGG by Canada and the GNWT to fulfill its obligations under the FSGA.

The FA may be amended as and when the DGG decides to exercise more jurisdictions and authorities under the FSGA.

The FA also sets out OSR provisions that describe how the DGG will contribute to its operating costs where it has the means to do so. As noted in Chapter 2, Canada is currently assessing policy related to OSR.

In the 2018-2019 fiscal year, the DGG received core funding of:

Grant	Core Funding
On-going Governance	\$1,699,964
Community Economic Development Program	\$77,500

The DGG also received additional funding:

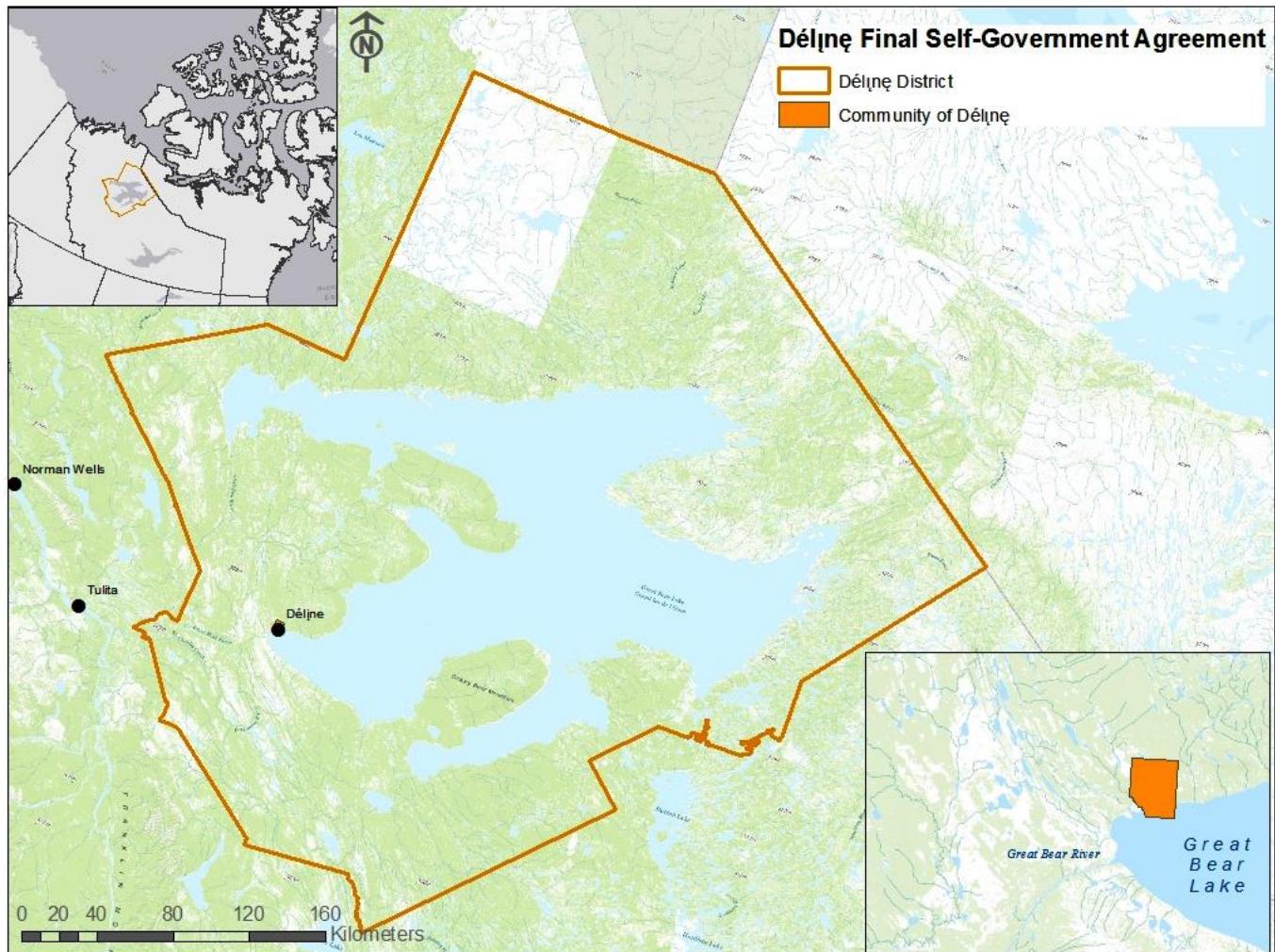
Grant	Additional Funding
Collaborative Fiscal Process Funding	\$1,613,404
Infrastructure Funding (Budget 2017)	\$90,032

Tax Treatment Agreement

The Tax Treatment Agreement is an agreement between the Government of Canada, the GNWT and the DGG that describes the tax rules that apply to the DGG and its institutions.

Appendix

Map of the Délı̨nę District



This map is for illustrative purposes only. The actual boundaries of features depicted on this map may not be exactly as shown. Department of Aboriginal Affairs and Intergovernmental Relations is not responsible for any errors or discrepancies occurring on this map.

