

DÉLINE

Final Self-Government Agreement

April 1, 2017 – March 31, 2018



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Glossary and Pronunciation Guide

ʔekw'ah̄d̄é: (Chief)

Pronunciation: eh-kw'ah-tee-day

Meaning: highest honest leader

ʔq̄hda: (Elders)

Pronunciation: own(h)-da

Meaning: Elders

Dél̄iné:

Pronunciation: Deh-le-nay

Meaning: where the water flows

Dél̄iné ʔq̄hda K'áowə K̄é:

(name given to Elders Council)

Pronunciation: Deh-le-nay Own(h)-da Kah-way Kay

Meaning: Dél̄iné (where the water flows)

ʔq̄hda (Elders)

K'áowə (Leader)

K̄é (Group)

Dél̄iné Got'lné ʔeŋadó: (name for the Constitution)

Pronunciation: Deh-le-nay Go-t'ee(click sound)-nay

Eh-y-ah-doe

Meaning: Dél̄iné (where the water flows)

Got'lné (one group of people)

ʔeŋadó (Highest Law)

Dél̄iné Got'lné Government (DGG):

Pronunciation: Deh-le-nay Go-t'ee(click sound)-nay

Meaning: Dél̄iné (where the water flows)

Got'lné (one group of people)

Dél̄iné K'áowedó K̄é: (name given to Main Council)

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

Meaning: Dél̄iné (where the water flows)

K'áowedó (Highest Leaders)

K̄é (Group)

Dél̄iné Łénats'ehd̄é Dzené: (name given to the Community Gathering)

Pronunciation: Deh-le-nay See-eh-na-ts'ay-day
Dzeh-neh

Meaning: Dél̄iné (where the water flows)

Łénats'ehd̄é (Gathering)

Dzené (Day/Date)

Dene Gha Gok'ə Réhk̄w'í: (beneficiary board)

Pronunciation: Deh-nay Ga Go-k'ay-ray-kw'ee

Meaning: Dene (People)

Gha (for)

Gok'ə Réhk̄w'í (sitting)

Dene K'ə Dats'ered̄í K̄é:

(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'ered̄í (Prevention, Defending, Helping)

K̄é (Group)

Acronyms and Abbreviations

CIRNA	Crown-Indigenous Relations and Northern Affairs (Canada)
DFN	Dél̨nę First Nation
DGG	Dél̨nę Got'ı̨nę Government
EIA	Executive and Indigenous Affairs (GNWT)
FA	Financing Agreement
FSGA	Final Self-Government Agreement
GNWT	Government of the Northwest Territories
IC	Implementation Committee
IP	Implementation Plan
NWT	Northwest Territories
SDMCLCA	Sahtu Dene and Metis Comprehensive Land Claim Agreement

Chapter 1

Délı̨nę Implementation Committee



Photo: 2017-2018 Délı̨nę Final Self-Government Agreement Implementation Committee, December 5, 2017, Ottawa, ON.

Identified left to right: Roshan Begg (GNWT), Margaret Julian (Canada), Dale Pegg (Canada), Janice Larocque (GNWT), Sue Bowie (GNWT), ?ekw'ahtłdá Raymond Tutcho (DGG), Freda Taneton (DGG), Victoria Chan (DGG), Tanya Shum (Canada), Buddy Williams (GNWT) and Tannis Bujaczek (Canada).

The Délı̨nę Implementation Committee (IC) is pleased to present its second annual report on the implementation of the Délı̨nę Final Self-Government Agreement (FSGA). The report covers the twelve month period from April 1, 2017 to March 31, 2018.

The IC consists of a senior official representing each of the parties: the Délı̨nę Got'ı̨nę Government (DGG), the Government of the Northwest Territories (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 FSGA and to resolve issues arising with respect to the implementation of the FSGA. This annual report describes the achievements and developments during the 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.

Délı̨nę Got’ı̨nę Government

The DGG is committed to fulfilling its ongoing responsibilities to implement the FSGA. The DGG was represented on the IC by Mr. David Little, Chief Executive Officer, from April 1, 2017 to March 31, 2018.

The DGG can be found online at www.deline.ca/en

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. The GNWT was represented on the IC by Ms. Sue Bowie, Director of Implementation, EIA, from April 1, 2017 to March 31, 2018.

The GNWT can be found online at www.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 (CIRNA). The Implementation Branch serves as a liaison on Délı̨nę implementation issues for the DGG and any other institutions created by the FSGA, territorial governments, and other federal departments. Mr. Dale Pegg, Director, Treaty Management West, Implementation Branch, CIRNA, represented the Government of Canada on the IC from April 1, 2017 to March 31, 2018.

More information on the Government of Canada and its departments, programs, and services can be found online at www.canada.ca/en

More information on CIRNA can be found online 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 Final Self-Government Agreement (FSGA) became the first stand-alone, community-based self-government agreement to take effect in the Northwest Territories.

The FSGA established the Délı̨nę Got’lı̨nę Government (DGG), an inclusive, Indigenous public government that serves and represents all residents of the Délı̨nę District.

The ɻekw’ahłdá (which means “highest honest leader” in the Délı̨nę Got’lı̨nę dialect) is the elected leader of the DGG. The ɻekw’ahłdá sits on the Délı̨nę K’aowədó Kę (Main Council), along with two Executive members, four Councillors and an Elders representative.

Jurisdictions:

The FSGA recognizes and describes the jurisdictions that the DGG may exercise. The DGG has the ability to make 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 Metis 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 subjects:

- Marriage
- Trusteeship and Guardianship
- Wills and Estates

Implementation:

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

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 Délı̨nę First Nation Band (#754), as well as the Délı̨nę Land Corporation and Délı̨nę Financial Corporation, the two organizations that were established to manage the land claim assets of the Délı̨nę Dene and Metis beneficiaries under the Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA).

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

Dene Gha Gok’ə Réhk’w’ı (Beneficiaries Board) has been established to allow all Délı̨nę First Nation (DFN) Citizens who are participants under the SDMCLCA to participate in the management of land claim assets of the Sahtu Dene and Metis of Délı̨nę, regardless of where they live.

Administration of Lands:

Prior to Effective Date, the Délı̨nę Land Corporation, the GNWT’s Department of Lands, and the Charter Community of Délı̨nę were all managing lands in Délı̨nę. As of September 1, 2016, the DGG has been responsible for managing all lands in the Délı̨nę 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 3

2017-2018 Activities and Issues

The Implementation and Finance Committees met in 2017 on: April 11 in Yellowknife, NT; September 14 in Délı̨nę, NT; and on December 5 in Ottawa, ON.

Activities pursued and issues discussed by the Committees over the 2017-2018 fiscal year included:

Implementation Committee

Biennial Health Meeting:

Pursuant to clause 14.3.4 of the FSGA, 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 DGG and the GNWT may have entered into pursuant to clause 14.2.1 or 14.2.3 of the Délı̨nę FSGA.

Canada's lead for this item – the First Nations and Inuit Health Branch (housed at Health Canada and then Indigenous Services Canada) attended the September and December 2017 IC meetings to support planning efforts for the biennial health meeting. DGG worked with Canada to clarify their health priorities and finalize the agenda for the event, while the GNWT further proposed to incorporate territorial items related to health and social services.

The meeting had initially been proposed to take place in late February/early March 2018, but was moved to a later date at the request of DGG.

Next Steps:

- The first biennial health meeting will be held in Délı̨nę on May 15, 2018.

Consultation on International Trade:

The federal government's negotiations with Mexico and the United States on the North American Free Trade Agreement are ongoing. During the reporting period, a meeting between SSI and federal representatives regarding international trade occurred.

Publishing the Implementation Plan:

The Délı̨nę Implementation Plan (IP) has not yet been printed. The IC agreed that printing the IP and creating a web version of the document are activities that should be completed.

Next Steps:

- Canada will translate the IP into French.

North Slavey Version of the FSGA:

The DGG is interested in completing a North Slavey version of the FSGA, as contemplated in the FSGA. Canada received a proposal from DGG outlining the initiative and estimated funding that would be required to complete the work, and provided the requested funds in March 2018.

Next Steps:

- DGG to complete a North Slavey version of the FSGA.

DGG Implementation Activities Justice Council/Elections Act:

The DGG continues to undertake the necessary steps to set up the Justice Council. In addition, it is in the process of drafting a new *Elections Act*. Both of these activities are identified in the IP and/or the Pre-Effective Date Plan.

Canada-Déljnè Uranium Table:

Jeremy Weyerman and Tina Bohnet of Indigenous Services Canada's NWT Regional Office and Bob Gill of the DGG (via phone) participated in a discussion with the IC on the Canada-Déljnè Uranium Table (CDUT).

The CDUT report took five years to complete, and included 26 non-binding recommendations. The DGG advised that three recommendations remain outstanding. The DGG sees the completion of these recommended actions as part of broader reconciliation efforts. Canada is open to continued discussions of any outstanding issues, however, DGG has raised concerns with the likely timeframes for resolution that Canada has noted in the past. The DGG stressed the importance of involving Health Canada and Environment and Climate Change Canada in the dialogue on outstanding recommendations.

Tłı̨chö Overlap:

There is no overlap agreement between the Tłı̨chö Government and the Sahtu Secretariat Incorporated (SSI). Canada raised the possibility of using the Aboriginal and Treaty Rights Information Management System (ATRIS) as a means to inform federal officials of the overlap between the Tłı̨chö and the Déljnè district of the Sahtu Settlement Area. Canada would like to ensure that federal officials and other parties are aware of the interests of Déljnè, Tłı̨chö and SSI, in certain areas in the Déljnè district, particularly where federal procurement is considered.

DGG indicated that they are not in favor of this process, and reiterated that their position is that the Mqwhì Gogha Dè Njìjtłè line is about hunting and trapping.

Next Steps:

- In response to DGG's concerns, Canada agreed not to table or circulate the document further.

Land-Related Issues:

Appendix C4 to the FSGA was amended on August 17, 2016, to list contaminated sites transferred to the DGG as of the Effective Date. The DGG has ongoing concerns with the current state of some of these sites and has stressed the need for a plan to move forward in their remediation. The GNWT reminded the IC that a previous Environmental Site Assessment recommended that the sites in question should be left as is, as moving or removing soil would increase the risk associated with the contamination.

Next Steps:

- The IC agreed to leave this as a standing item on the agenda, and to discuss the matter further at upcoming IC meetings with federal and territorial experts present who are better able to speak to the issue.

Annual Report:

The first Annual Report of the Implementation Committee (2016-2017) was drafted in May 2017 and finalized in March 2018. The report included reporting on key pre-effective date activities completed by the parties, in preparation for the September 1, 2016 effective date of the FSGA, as well as implementation activities occurring post-effective date for the remainder of the fiscal year.

Canada funded the translation and publication of the report, while the GNWT administered its production, including the editing, translation, design and production of the printed and web versions of the document.

Chapter 3

2017-2018 Activities and Issues

Finance Committee

Own Source Revenue (OSR) Report:

Canada provided the DGG with a template OSR report to be completed on an annual basis. Under the Financing Agreement, no OSR offset calculations will be applied to eligible DGG OSR until the second five-year term of the Financing Agreement. In addition, Canada placed a three year moratorium on OSR collection in summer 2017. The DGG is still required, however, to complete the OSR report annually, commencing in year one of the Financing Agreement, and every year thereafter.

Community Public Infrastructure and Gas Tax Historical Funding:

The DGG hired an accounting firm to work on tracking infrastructure and gas tax expenditures that were not identified in past audits. This issue has been outstanding for several years and resolution is required in order to ensure that infrastructure and gas tax funding continue to flow to the DGG in the future without delay or interruption. The GNWT has provided support and information to the DGG regarding this municipal funding issue.

Performance Measurement:

Canada is interested in working with the DGG on a framework for performance measurement. Within its Modern Treaty Implementation Office, Canada has built a centre of performance measurement expertise that will provide support to Indigenous governments and federal departments in the development of measures to assess progress towards the successful implementation of modern treaties.

Next Steps:

- The DGG is interested in learning more about this initiative.

Chapter 4

Other Related Agreements

In addition to the FSGA, the Parties negotiated the Implementation Plan (IP), the Financing Agreement (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 accomplish the implementation of those obligations. Unlike the FA and the FSGA, the IP does not create legally binding obligations on the parties.

Financing Agreement

The FA is a separate agreement between the DGG, the GNWT and Canada. The FA came into effect on September 1, 2016, and sets out funding to be provided to the DGG by Canada and the GNWT to fulfill its obligations under the FSGA.

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

The FA includes ongoing federal and territorial funding as well as federal “one-time funding” to assist the DGG with start-up activities.

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.

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 Délı̨ne District

