

**Gwich'inat Eenjit**  
**Gàdatr'igwìjlcheii Gidilii**  
*Gwich'in nan, nakhwék'yùu ts'át gwitr'it*  
*tthak nakhwidawee gwiheezàa eenjit*



**Gwich'in Tribal Council**  
*Gwich'in land, culture & economy for a better future*

**Submission To The Government of Canada's Arctic Policy Framework**

**BY**

**Gwich'in Tribal Council (GTC)**

**March 21, 218**



## **Introduction**

The Gwich'in Tribal Council's vision for our people is: "The Gwich'in are a culturally vibrant and independent nation that is environmentally responsible and socially, economically, and politically self-reliant". Consequently, how we engage with the Arctic Policy Framework (APF) is based on how it contributes to the achievement of this vision for our 3,532 registered Gwich'in Participants under the Gwich'in Comprehensive Land Claim Agreement, 1992.

We believe that there is a need for a coordinated, whole-of-government approach to Northern issues that builds on and reinforces the values and interests of Northerners. This is needed given the unprecedented pace and scale of change facing our communities as a result of climate change, evolving governance systems in the North, and the national movement towards reconciliation. We are committed to working alongside our federal partners to create the conditions that will help us to achieve our vision and we offer our thoughts on how that can be achieved, both from the standpoint of process, but also on specific program and project priorities.

The Gwich'in Tribal Council (GTC) would like to thank Indigenous and Northern Affairs Canada (INAC) for providing funding to facilitate our participation in this process.

## **Reflections on "Co-Developing" an Arctic Policy Framework**

Prior to addressing the specific thematic issues presented for consideration as part of the Arctic Policy Framework, a discussion about the development of the APF and its implementation is warranted.

The objective of the Arctic Policy Framework is to result, "... in a more coordinated effort by all levels of government, Indigenous groups, industry and other stakeholders to identify issues and possible solutions to meet the challenges and harness emerging opportunities in the Arctic". A "coordinated effort" must give due recognition to the changing roles and responsibilities of the different levels of government involved – including Indigenous *governments*. This distinction is fundamental to how the North will develop between now and 2030, as well as beyond. The primary focus should be on positive outcomes that benefit Northerners.

For the GTC, a key aspect of this is land claim implementation. As the Land Claims Agreement Coalition (LCAC) has stated, "Fully implemented Modern Treaties benefit all Canadians. The purpose and intent of land claims agreements is to encourage self-reliance and economic development, as well as cultural and social well-being in Aboriginal communities in Canada".<sup>1</sup>

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<sup>1</sup> Land Claims Agreement Coalition,



In this way, the future of the North is intimately linked to the full implementation of the land claims agreement.

The GTC, as the organization charged with upholding the rights, interests and benefits of all Gwich'in Participants under the Gwich'in Comprehensive Land Claim Agreement (GCLCA), has the responsibility to highlight challenges with implementing the Agreement. As was noted in the Auditor General's report in 2003, "...INAC seems focused on fulfilling the letter of the land claims' implementation, but not the spirit. Officials may believe that they have met their obligations, but in fact they have not worked to support the full extent of the land claims agreements".<sup>2</sup> Our hope is that the new Arctic Policy Framework and its stated objective of "a more coordinated effort" to "meet the challenges and harness the emerging opportunity" will mark the start of a new period of cooperation in which the Crown is committed to meeting the *spirit*, as well as *intent* of the GCLCA, to uphold the honour of Crown.

We have always maintained that our land claims agreement is with the Crown in right of Canada, not with the Department of Indigenous and Northern Affairs. Similarly, we believe that responsibility for implementation of the Arctic Policy Framework should rest with the whole of the Government of Canada, not just the Department of Indigenous and Northern Affairs. The Auditor General pointed out in 2003 that "... INAC has no system for knowing if other departments and agencies were violating the provisions of the agreements and no plans to address that problem".<sup>3</sup> This is a challenge that we have continued to raise and did so most recently in relation to the federal law reform consultations, where we stated that, "too often legislative changes are pushed through before considering how amendments play out in the modern land claims contexts".

The Minister's Special Representative issued a call in *A Shared Arctic Leadership Model* for: "A new Arctic Policy Framework [that] starts with an inclusive, mutually respectful and trustful process that establishes (and keeps to) principles of partnership".<sup>4</sup> This call needs to be heeded and it is an area where we felt that the co-development process for the Arctic Policy Framework fell short.

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"Honour, Spirit and Intent: A Model Canadian Policy on the Full Implementation of Modern Treaties Between Aboriginal Peoples And the Crown" 2008,

[http://www.landclaimscoalition.ca/assets/LCAC\\_Model\\_Policy\\_Document2.pdf](http://www.landclaimscoalition.ca/assets/LCAC_Model_Policy_Document2.pdf) (Accessed: 19 March 2018).

<sup>2</sup> See Section 8.2 in Auditor General of Canada, "Chapter 8: Indian and Northern Affairs Canada - Transferring Federal Responsibilities to the North", 2008, <http://www.oag-bvg.gc.ca/internet/docs/20031108ce.pdf> (Accessed: 19 March 2018).

<sup>3</sup> Ibid, 8.76.

<sup>4</sup> Mary Simon. "A Shared Arctic Leadership Model", 2017, <https://www.aadnc-aandc.gc.ca/eng/1492708558500/1492709024236> (Accessed: 19 March 2018).



As a member of the LCAC, the GTC has written to the Prime Minister to express its views, “...that federal policy initiatives regarding modern treaties must be undertaken in consultation with the treaty holders themselves, not through an intermediary. While we welcome the present opportunity to engage on the Arctic Policy Framework, we want to communicate our disappointment that the federal government chose to engage with national Indigenous organizations who have little footprint or impact in the North, rather than directly with Indigenous governments like the GTC. We appreciated that Government of Canada officials travelled to Inuvik and met with us, but the approach was not well coordinated, as senior leadership was out of territory. Furthermore, the constantly shifting timing of workshops and the relatively short notice provided were additional barriers to our participation.

For the Arctic Policy Framework to achieve its goal of “strong Arctic people and communities”, there needs to be discussion about how programs and services will be run, including funding amounts and processes. In addressing this issue it is critical to revisit the findings of the 2003 Auditor General’s Report. The report summarizes – in a way that is still relevant fifteen years later – the divergence between how Gwich’in and the Canadian government view funding:

Gwich’in believe that the spirit and intent of the land claim entitles them to receive core funding as the governing body for the land claim. The federal government counters that while it has funded the Council, it has no obligations under the claim to do so. Further, it says that it is not willing to debate the adequacy of its funding to the Council, given its position that it has no obligation in the first place.<sup>5</sup>

We continue to ask the Government of Canada to provide land claim implementation funding at a reasonable level and in a manner that ensures that the GTC is able to fulfill its important roles and responsibilities under the constitutionally-protected modern treaty. Moreover, as GTC continues to move towards self-government, it is critical that adequate funding arrangements be put in place. This did not occur, in our opinion, with the devolution of powers to the NWT and care should be taken to not repeat these mistakes.

In particular, we would like to emphasize that there needs to be a recognition of the, “... punitive nature of per capita allocations without base funding”. The consequences of per capita funding go beyond community members needing to travel to regional centres for services, they fundamentally influence how our youth perceive their communities and their future there.

In terms of implementation of the Arctic Policy Framework, that there needs to be continued engagement of all partners in designing specific programs and running them on the ground. True

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<sup>5</sup> Auditor General of Canada, p. 11.



inclusiveness and coordination of efforts needs to be evaluated against results achieved, rather than measured in the number of meetings, event, or activities held.<sup>6</sup>

As a final point on land claim implementation and the implementation of a new Arctic Policy Framework, we would like to point out that, as part of the Land Claims Agreements Coalition, we continue to advance the idea that there needs to be an independent implementation and review body, separate from INAC, and ideally held within the Office of the Auditor General. While an independent body may not be appropriate for measuring the implementation for the Arctic Policy Framework, we hope for similarly strong metrics to support rigorous evaluation of the impact of the initiatives under the Framework. When the land claims implementation body comes to fruition, we would encourage it to work closely with the departments and agencies involved in APF implementation. GTC looks forward to being actively involved in the implementation of the APF.

The remainder of our submission focuses on specific areas and questions outlined in the Discussion Guide.

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<sup>6</sup> See: Auditor General of Canada, Section 8.8.



## **Strong Arctic Peoples and Communities**

Our people cannot be strong when they are battling addictions and this is unfortunately a reality for too many Northerners. Our people need to be healthy to work towards the goals that the Arctic Policy Framework is trying to achieve. Bringing people out of their communities and their culture has not resulted in healthy outcomes. That is why we strongly believe that it is critical to get a detoxification centre in Inuvik, NT. Efforts are underway to create such a centre, but \$400,000 in repairs and startup funding is still required and additional funding for ongoing operations will be needed.

The impact of climate change on food security in the Gwich'in Settlement Area (GSA) stands as a barrier to strong peoples and communities. Rising water levels challenge the navigation routes used since time immemorial, due to the increased presence of debris. Access to the vital caribou herds that have sustained our people for thousands of years are challenged by climate change and have been put in direct threat by decision to open up the American part of the migration route of the Porcupine Caribou to oil and gas leases. The impacts of not having ready access to country foods goes beyond food security and touches upon the fibers that make up Gwich'in culture: connection to the land, the principle of sharing, identity, language, and mental health.

Gwich'in are strong and our communities are strong. What we need are programs that support our people to reconnect to their strengths in the areas of suicide prevention, language revitalization, child and family services, mental health services, etc. These programs must be developed and delivered with our people and the organizations, like GTC, that were established to support them.

The Gwich'in language is under threat: only a small number of our elders and a few determined individuals continue to use the language on a regular basis. It is very rare to hear our children speaking their language. In 2006, it was found that Gwich'in Participant who are living within the NWT, only 20 people spoke the language in their home and only 275 reported they could speak the language. Around two-thirds of the people who can speak the language are over 40. To turn around these disappointing figures, it will take the dedicated effort of our community working together, not in institutions. To save our language, we need flexible funding arrangements that are provided directly to us and promote acquiring the language above institutional requirements.

Canada has a role to play in “completing devolution” by ensuring that Indigenous groups like the GTC have the funding, resources and capacity necessary to fully and meaningfully engage with the Government of the Northwest Territories (GNWT) in devolution implementation. Resources are currently too limited, leading to the GNWT moving forward without full appreciation of Gwich'in perspectives and concerns.



The Gwich'in claim is trans-boundary. While the vast majority of lands (22,330 km<sup>2</sup>) are in the NWT, an additional 1,554 km<sup>2</sup> are in Yukon. The GTC also has persisting concerns about devolution arrangements on the Yukon side of the border, which do not adequately recognize the trans-boundary nature of the GCLCA. The land claim recognizes Tetlit<sup>7</sup> Gwich'in traditional use and occupancy on the Yukon side of the artificial border dividing Gwich'in traditional territory. There has been little progress in the implementation of Gwich'in rights and interests in the Yukon. Consequently, in 2015 the Board of Directors of the GTC agreed to begin a process to define Gwich'in traditional territory in the Yukon and to clarify the GTC's status in Yukon governance forums and institutions. Subsequently, the GTC has been building stronger relationships, including establishing a consultation and communications protocol with the Yukon Government, as well as participating in the Yukon Forum, Council of Yukon First Nations, etc. Yukon legislation does not currently recognize GTC and securing this recognition is important not only for specific legislation and programs, but as an expression of respect for our own conception of our nation as held by our people.

Further to the above points about land claim implementation funding, the Transboundary Agreement in Appendix C of the Gwich'in land claim has gone unfunded by the government for more than 25 years. This significantly undermines the GTC's ability to effectively protect and uphold Gwich'in rights and interests in the Yukon. The Transboundary Agreement in Appendix C of the GCLCA has gone unfunded by the Government of Canada for more than 25 years. GTC recommends that the Government provide adequate Yukon Transboundary Agreement implementation funding and commit to addressing the present effects of the accumulation of past underfunding deficits;

An additional twenty-five years of funding for trans-boundary chapters would have had a material difference on our progress in implementation. There were also missed opportunity costs as a result of implementation of Chapter 11 of the GCLCA, which mandated the payback of negotiations costs; funds that could have otherwise been used for the implementation of policy programs and support structures to build strong people and communities. Therefore, debt forgiveness of these payments and/or reimbursement, as appropriate, should be part of the APF.

The Gwich'in land claim is not continuous, rather it is patchwork, with pieces of Crown and territorial lands interspersed with Gwich'in lands. "Completing devolution" should see the transfer of the remaining tracts of land to the Gwich'in. This would give the Gwich'in continuity in the lands under control and mitigate the potential to be negatively impacted by decisions made by other bodies on lands encircled by Gwich'in lands. Completing devolution in this way, would

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<sup>7</sup> A note regarding terminology: "Tetlit" in this context was used to differentiate from Vuntut Gwitchin in Yukon. Gwich'in in the NWT trace their ancestry to Tetlit and Gwich'ya, who were the signatories at Treaty 11. Nihtat and Ehdiiat are newer terms, but the ancestry remains Tetlit and Gwich'ya, despite these new labels.



be an enunciation of our belief that if treaties are mechanisms for reconciliation, then one cannot be static and another ongoing. Rather, both should be subject to adjustment on an ongoing basis.

To “complete devolution”, there will be a need for a high-level of engagement with GTC. Currently, there are multiple large and intensive engagements being undertaken by both the federal and territorial governments at the same time, which are challenging GTC’s ability to engage. This is not a phenomenon isolated to the Gwich’in, but is a persistent concern among our Indigenous colleagues. In such circumstances engagement is not necessarily meaningful and better coordination is required. Moreover, engagement needs to occur not only at the political level, but at the working group level, as well.

### **Comprehensive Arctic Infrastructure**

First, we support the Minister’s Special Representative’s recommendation that the federal government should: “With Arctic governments and Indigenous leaders, develop criteria for Arctic infrastructure projects that reflect the singularly unique context for infrastructure spending, the ‘catching up’ nature of the infrastructure gap in the Arctic...”

Second, for Arctic infrastructure to be “comprehensive”, it must be pursued on a nation-building scale and with the same vision and fortitude that Canada imagined one hundred and fifty years ago as it sought to link the eastern and western territories of the new Dominion with a railroad “from sea to sea”. Specifically, we would like to see the following infrastructure projects come to fruition: the Mackenzie Valley Highway; bridge across Peel, Arctic Red or Mackenzie Rivers; and a Port in Tuktoyaktuk that will facilitate barges serving communities in the Mackenzie Delta/Sahtu.

Third, the APF Discussion Guide also asks how the federal government can better address “transportation efficiencies that facilitate reduced cost of living”. The interruption of the continuity of infrastructure caused by cyclical changes in the land and water and exacerbated with climate change, has a profound impact on both the quality of life of residents of the GSA, as well as the economic potential of the region. Notably, because the ferry crossing the Peel River at Fort McPherson, NT is on a cable, when water levels are high, the ferry cannot traverse the river. This causes delays in delivering materials for projects north of Fort McPherson and forces tourists to turn around and head south, taking their valuable spending money with them. The lack of continuous transportation infrastructure also presents safety concerns, as substances like propane have been transported via ferry, while there is ice in the river. Compounding these difficulties are the unpredictability with which the ferry and ice road schedules are adjusted, which further impacts local businesses, such as Aklak Airlines, which only flies to Gwich’in communities when the ferry is not in service.





In addition to the necessary, though costly and time-intensive remedies, such as building additional transportation links, which are badly needed and clearly justified, one immediately actionable way to address this challenge is in adapting benefit programs to contemplate the impacts of seasonality on the North's transportation system. Notably, there are no additional benefits offered to Tsiigehtchic, NT or Fort McPherson, NT during road closures, as it is not a grounds considered by the Nutrition North system. Clearly, when vital transportation links, such as a road closures, it has an immediate and discernable impact on the cost of living for communities, as the choice becomes flying in food at considerable costs or having store shelves go bare.

Infrastructure is not just an end in itself, it is an underpinning of the other goals of the Arctic Policy Framework. Without reliable and affordable internet, for example, it is difficult to meet the objective of diversifying the economy. The Internet is just one tool of the modern economy that our people need to be able to participate successfully within the modern economy and we are supportive of the Yukon Dempster Fibre redundancy loop. That is also why as a shareholder of the First Nations Bank of Canada, we are working to expand banking services in our communities.

Infrastructure developments also contribute to how we feel about our communities. Therefore, we would like to see highway and waterway welcome signs at each of our communities and to work collaboratively with local municipal governments (hamlets, charter communities and town council) to create multi-lingual street signs. Increasing the visibility of our language and the presence of our people, is important in supporting pride in where we live.

In 2009, over 25% of housing in the Beaufort Delta was in need of core repair, according to GNWT statistics. To encourage home ownership, there also needs to be supports for homeowners to make critical repairs like roofing, water/sewage tanks, fuel tanks, etc. Only between a half and a third of houses in the GSA are owned by the occupants, leaving a lot of room for increased home ownership, which should be supported through homeownership programs.

Not only do high energy costs act as a deterrent to home ownership, the current reliance on diesel is costly in terms of effects on both the environment and human health. Gwich'in communities have been actively pursuing renewable energy projects, including wind, biomass, and solar. There needs to be ongoing support for these kinds of infrastructure developments.

Building infrastructure should be pursued in a way that allows Gwich'in Participants and businesses to benefit and build capacity, in keeping with Chapter 10 Economic Measures of the GCLCA. It should also be proactive, with a comprehensive review of infrastructure needs in the communities to inform investments.



## **Strong, Sustainable, and Diversified Arctic Economies**

The Gwich'in way of life is based on a unique and special economic and spiritual relationship with the land and water. This special relationship demands us to consider carefully what kinds of development we allow on our lands. Major resource developments far from the GSA are putting pressures on our communities and waters and the GSA is the home to major iconic rivers: the Peel, Arctic Red, and Mackenzie. These waters are not only an important part of our subsistence economy and transportation links in our region, but are core to Gwich'in cultural identity. In all four seasons, we navigate these waters to our fish camps and harvesting areas. In all communities we drink from these waters. We remain concerned about the effect of dams in the South on the quality and quantity of water as per GCLCA. We also remain concerned about the effects of fracking further south and the impact on our waters and stand firm in our objection to fracking on our lands without fully understanding the cumulative impacts.

The deep concern and strong ties of our people to the land were evident in the hard-won court battle over the future of Peel Watershed. For years, Gwich'in devoted their time and energy to protecting this special homeland. Lessons need to be learned from this experience, so that it is not repeated.

The GTC is not anti-development. Rather, funding is needed to support us to be able to be a meaningful participant and partner in economic development projects. To support these aims, the GTC is developing its own economic development strategy to promote economic development consistent with our values and interests. We subscribe to the belief that development in the North needs to be approached in a balanced way. The subsistence economy needs to be revitalized and the wage economy needs to complement the subsistence economy in a way that does not displace it. Policy and programming needs to be designed thoughtfully and in a way that creates a coherence that leads to long term sustainably and a healthy path.

When it comes to economic development, we hold firm that the process outlined in the GCLCA must be adhered to and that no access will be granted to industry on Gwich'in lands until an Environmental Impact Assessment (EIA) and Impact and Benefit Agreement (IBA) is in place. Similarly, we need to make sure that the institutions and legislation that support the EIA process remain strong. GTC has made representations to the Parliamentary Standing Committee related to proposed changes to the *Mackenzie Valley Resource Management Act*.

Large-scale economic development options are not immediately on the horizon in the GSA. There were no new oil and gas leases in the Beaufort Delta last year and the Mackenzie Valley Pipeline, (one-third of the profits of which were due to the Aboriginal Pipeline Group of which GTC was an owner, is indefinitely on hold. The impact of this decision on our communities and peoples' well-being is considerable and warrants further discussion.



In December, when the project proponents for the Pipeline “put it on hold”, it had an immediate impact on the GTC and Gwich'in people. With only a week's notice, the carefully negotiated Impact Benefits Agreements were withdrawn. The funding received from such agreements is significant. There was only a matter of four months before the new fiscal year to try to make up for these lost revenues. In support of the goal of strong, stable, and diversified economies, there needs to be greater supports extended to communities by the Government of Canada to facilitate more gradual transitions when companies exit from IBAs. This could take the form of a guarantee by Canada to make up the funding gap during a transitional phase. In addition, the Canadian government should encourage corporations to agree to more gradual exit periods, as a best practice.

However, building a sustainable economy takes more than relying on one-off major projects and CanNor should have an expanded mandate to consider alternatives, such as traditional economic pursuits, to major development projects. In support of this objective, the GTC is looking to create a Gwich'in Community Economic Development Organization. Modeled off of the Inuvialuit experience with ICEDO, the GCEDO would: provide advisory, administrative and advocacy assistance to Gwich'in businesses, organizations and individuals in their endeavours, including but not limited to management advice and assistance, identifying funding sources and regulatory compliance; facilitate studies into the feasibility and viability of large-scale projects for Gwich'in; evaluate the opportunity to be a potential equity partner for Gwich'in community-based joint ventures; and provide advisory management to Gwich'in community-owned ventures. However, GTC was unsuccessful in securing funding for this initiative and would encourage our proposal be reconsidered as a valuable component of meeting the APF objective of diversifying the economy.

At the same time, our people need assistance to transition to the wage economy and/or balance their participation in the wage economy and traditional economic pursuits. Aboriginal employment rates range from a high in Inuvik of 57% to 36% in Tsiigehtchic, 33% in Aklavik, and 30% in Fort McPherson. One of the goals of GTC is to encourage the self-sufficiency of Gwich'in and to enhance their ability to participate fully in all aspects of the economy.

It is not just about owning our traditional territories; it is also about ensuring that we continue to support our people to use the land that is so important to us. While, the value of furs dropped from \$1.275 to \$1 million between 2015 and 2016, the number of people participating in traditional activities in the Beaufort Delta has increased the most out of any region in the NWT between 2014/15 and 2015/16 (from 650 to 675). Programs like the Gwich'in Harvesters Assistance Program GHAP), are crucial, and supporting these kinds of activities and warrant additional investment.



In addition, programs like the Taii Trigwatssi (Breaking Trails) program are a good example of the kinds of investments by the Government of Canada needed to help support Indigenous governments to create “strong Arctic people and communities”. It is similarly a good example of how the Canadian government and Indigenous governments can work together towards this goal. This \$4.5 million initiative is an eight-month skill-training program that will teach life-skills, adult basic education, and workplace skills. The program will be rooted in Traditional Knowledge and delivered in the home community of the participants; two factors that we believe are critical to ensuring that those who enter the program stay in it through to completion.

### **Arctic Science and Indigenous Knowledge**

When decisions are made about environmental, social and economic impacts they need to be inclusive of Indigenous voices. It is worth revisiting arguments that the 1. The Transboundary Agreement in Appendix C of the GCLCA has gone unfunded by the Government of Canada for more than 25 years. GTC recommends that the Government provide adequate Yukon Transboundary Agreement implementation funding and commit to addressing the present effects of the accumulation of past underfunding deficits;C made in 2012 during the review process for the *Canadian Environment Assessment Act*, that oral testimony needs to be respected and that culturally sensitive approaches need to be incorporated.

The vision of the Dinjii Zhuu government is “Yi'eendoodài yeendoo gwizhit gwitèe ah”, which means that, “long ago will be in the future”. Part of being strong into the future, is being strong in the knowledge of where we come from pre-contact. Investments in preserving our history through achieving and digitizing, as well as encouraging other Government of Canada institutions and organizations to follow the lead of the CBC to repatriate Gwich'in artifacts and stories to our community and ensure adequate facilities are built to house the items, possibly looking at 3P projects.

Every year GTC supports and delivers “The Next 40 Academic Conference”. We bring down youth to universities in southern Canada to engage in academic discussions. While we are always in awe of the depth of thought of our young people and encourage them to go south to post-secondary, how much better would it be if our people could study in the North, in a cultural, political, and environmental context that is familiar? This is why GTC supports the idea of a northern university.

A northern university would also facilitate more research on the North being done in the North by Northerners. Similarly, Gwich'in need to be directly represented in the key decision-making forums about research to ensure that research is responding to community desires for information into the issues that are important to them. Moreover, there is a need for increased funding to support the collection and analysis of Indigenous knowledge.



## **Arctic in a Global Context**

The Gwich'in Tribal Council is a member of Gwich'in Council International (GCI) and we are pleased to support their submission, which addresses the Arctic in a Global Context theme in detail. We would encourage the Government of Canada to continue to invest in GCI.

We would like to reiterate a few critical areas that we believe are worth particularly close attention, notably the implementation of the Jay Treaty to facilitate mobility amongst Gwich'in and Gwich'in communities. To further reduce barriers to international travel for Gwich'in, Indian Status cards should be more accessible as they are acceptable forms of identification that can be used to cross borders.

There is a need for concerted global action to address climate change, as well as measures to mitigate risks involved with increased economic activities throughout the circumpolar region, which are becoming possible due to the changing climate, such as shipping. Most critically, there is a need for concerted pressure on the Government of the United States to cease its efforts to pursue drilling in the Arctic National Wildlife Refuge (ANWR), and acknowledgement and respect for the Porcupine Caribou Management Agreement (PCMA) between Canada and the United States.

It should be noted that the Gwich'in Comprehensive Land Claim Agreement includes a government consultation obligation with respect to "proposed inter-provincial or international agreements which will likely impact on wildlife, wildlife management" (12.8.32). There is a need to ensure that government officials are aware of this obligation and are able to identify instances where this is triggered.

## **Protecting the Environment and Conserving Biodiversity**

What should be evident throughout this submission is that biodiversity and environmental changes are at the forefront of Gwich'in minds and inform our decision-making on a range of issues from economic development, to social services, to governance.

Gwich'in are concerned about the changes to the environment that we are seeing in front of their very eyes on a daily basis. While there have been improvements in data collection, this data is not being readily accessed by those with interest or decision-makers, because we are often in inaccessible formats in terms of technical complexity. In addition, the online management tools used to disseminate the data are not easily accessed in communities and individuals for whom bandwidth and technology are barriers, such as elders. Subsequently, we would suggest that an over-arching and easy-to-use registry with data from all research, industrial activity, etc., should be created. These should be complemented with weekly plain-languages summaries provided in both writing and over the radio.



Accessing additional resources to support the Gwich'in Renewable Resources Board to pursue wildlife studies is an example of an area where Gwich'in need more research to support their interests in environment and conserving biodiversity. In addition, from an infrastructure, transportation, and access to foods perspectives, Gwich'in need more baseline research and monitoring related to the health of our waters. Specifically, more robust empirical data about changes to water levels, sediment changes and water quality is required.

## Conclusion

The adage of “nothing for us, without us”, summarizes the guiding philosophy which has informed this submission. GTC stands by ready to continue to contribute to the APF process and is committed to being an active implementation partner.

Several of the key recommendations made in our submission to the APF include:

1. **GCLCA Implementation Funding:** The GTC continues to request that the Government of Canada provide land claim implementation funding at a reasonable level and in a manner that ensures that the GTC is able to fulfill its important roles and responsibilities under the constitutionally-protected treaty;
2. **“Completing Devolution”:** Canada has a role to play in “completing devolution” by ensuring that Indigenous groups like the GTC have the funding, resources and capacity necessary to fully and meaningfully engage with GNWT in devolution implementation;
3. **Transboundary chapters funding:** The Transboundary Agreement in Appendix C of the GCLCA has gone unfunded by the Government of Canada for more than 25 years. The GTC recommends that the Government provide adequate Yukon Transboundary Agreement implementation funding and commit to addressing the present effects of the accumulation of past underfunding deficits;
4. **Negotiation cost loan repayment forgiveness or compensation** should be part of the APF, consistent with the Government of Canada’s new policy in this area announced in Budget 2018;
5. **Gradual Transition From Industrial Benefits Funding:** There needs to be greater support extended to communities by the Government of Canada to facilitate more gradual transitions when companies exercise their option to exit an Industrial Benefits Agreement.

The Gwich'in Tribal Council and the Gwich'in Nation are adamant that as Gwich'in people we are the makers of our own destiny for our people as reinforced by our Elders. Pre-contact, Gwich'in, like many Indigenous people, were a self-sufficient people that thrived in all areas of our life from infancy to elderly with a rich culture that sustained us from time immemorial. The land provided for our every need: food, shelter, medicinal, spiritual, water, tools and many other



aspects of life when you are connected to the land and animals. Gwich'in people migrated within the Northwest Territories, Yukon and Alaska. We were an oral people, who taught our ancestral teachings by displaying the love and care for our generations to come.

“Yi'eendoodài yeendoo gwizhit gwitèè ah”, what the elders meant was what Gwich'in had pre-contact. This is what we will have in the future, not as a memory, but thriving as we once were, intact. Self-Government is not only about programs and services. What Gwich'in had pre-contact represented Aboriginal rights at its finest. No western agreement has given us anything that we did not have pre-contact. Although the western law has not defined our Aboriginal right, WE, Gwich'in, will define our rights and exercise such rights accordingly.

Regardless of the traumatic experiences of our people and of all Indigenous people, we will not allow the trauma to define us. It is our inherent and Aboriginal right to pursue what Gwich'in had pre-contact, and it is time for restoration. Restoration of all aspects of achieving “Yi'eendoodài yeendoo gwizhit gwitèè ah”. We offer the observations and recommendations presented in this submission to the APF within the spirit of the rich cultural traditions of the Gwich'in people and nation.

Mahsi Choo, Hai' Cho