

Comité de mise en œuvre Tłıchǫ

L'Accord sur les revendications territoriales et l'autonomie gouvernementale Tłıchǫ

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ABBREVIATIONS AND ACRONYMS

CC	Cultural Coordinator
DAAIR	Department of Aboriginal Affairs and Intergovernmental Relations (GNWT)
DDRA	Deputy Dispute Resolution Administrator
DRA	Dispute Resolution Administrator
GNWT	Government of the Northwest Territories
IAB	Indian Affairs Branch
IBA	Impact Benefit Agreement
INAC	Indigenous and Northern Affairs Canada
IC	Tłıchǫ Implementation Committee
ISA	Intergovernmental Services Agreement
LTO	Land Titles Office (GNWT)
MVEIRB	Mackenzie Valley Environmental Impact Review Board
NRCan	Natural Resources Canada
NWT	Northwest Territories
OSR	Own-Source Revenue
TCSA	Tłıchǫ Community Services Agency
TG	Tłıchǫ Government
WLWB	Wek'èezhìi Land and Water Board
WRRB	Wek'èezhìi Renewable Resources Board





CHAPTER 1 | OVERVIEW AND BACKGROUND

The *Tłıchq Land Claims and Self-government Agreement* (Tłıchq Agreement) was negotiated by the Dogrib Treaty 11 Council, the Government of the Northwest Territories (GNWT), and the Government of Canada (Canada). The Tłıchq Agreement, which came into effect on August 4, 2005, is the first combined comprehensive land claim and self-government agreement in the Northwest Territories (NWT) and provides Tłıchq Citizens with rights and benefits in respect of land, resources, and self-government.

Through the Tłıchq Agreement, the Tłıchq gained the tools and resources required to strengthen their economy through greater participation in the regional and territorial economy. The Tłıchq Agreement also enhances their ability to protect and promote Tłıchq language, culture and way of life.

The following is a summary of provisions within the Tłıchq Agreement:

- **Lands:**

The Tłıchq Agreement provides the Tłıchq with approximately 39,000 square kilometres of land in a single block. The Tłıchq Agreement applies to four distinct geographical areas. The first and largest is Mqwhì Gogha Dè Nıłłtłèè. It is the traditional territory of the Tłıchq in which the Tłıchq can exercise the majority of the rights set out in the Tłıchq Agreement. The second distinct area is called Wek'èezhì and is located within Mqwhì Gogha Dè Nıłłtłèè. It is a resource management area bordered by the settlement areas and traditional lands of neighbouring Aboriginal groups. The third area, which is also within Mqwhì Gogha Dè Nıłłtłèè, consists of Tłıchq Lands which are owned in fee simple¹ and centered on the communities of Behchokò (Rae-Edzo), Whatì (Lac la Martre), Gamètì (Rae Lakes), and Wekweètì (Snare Lake). Here, the Tłıchq own both the surface and mineral (subsurface) resources. The fourth area, called Ezqdzìtì, is of historical and cultural importance. The Tłıchq do not own this land and do not exercise any additional harvesting or management rights. However, Ezqdzìtì has been protected in the interest of preserving its historical and cultural importance to the Tłıchq people.

- **Financial Compensation and Resource Revenue Sharing:**

The Tłıchq Agreement includes cash payments of approximately \$152 million over 14 years to the Tłıchq Government (TG), and a share of mineral royalties received by government annually from the development of Mackenzie Valley resources.

- **Eligibility and Enrolment:**

An Eligibility Committee was established in accordance with the Tłıchq Agreement to enrol those entitled to be registered as Tłıchq Citizens. The Eligibility Committee was composed of four Tłıchq representatives and two from government. The Eligibility Committee was dissolved following the effective date of the Tłıchq Agreement with the designation of a Registrar by the TG.

¹ This is the most extensive type of ownership of private property. Under Canadian law, almost all private property is held in fee simple and this is as close as one can get to absolute ownership at common law (i.e. the Canadian legal system).



- **Economic Measures:**

Under the Economic Measures Chapter of the Tłıchq Agreement, Canada and the GNWT are committed to promoting the economic interests of the Tłıchq, including support for the traditional economy, the development of businesses, the creation of training programs, and educational assistance to Tłıchq Citizens. Furthermore, when the GNWT and Canada propose economic development programs related to the objectives of this chapter, they must consult with the TG. The Tłıchq Agreement further requires the governments to meet with the TG, no less than once every three years, to review the effectiveness of programs relating to the objectives of the Economic Measures chapter.

- **Self-government:**

The Tłıchq Agreement also implements the inherent right of self-government for the Tłıchq. The Agreement recognizes a regional Tłıchq Government with law-making authority for Tłıchq Citizens in Tłıchq communities and on Tłıchq lands. This law-making authority includes aspects of education, adoption, child and family services, training, income support, social housing, and Tłıchq language and culture.

The Tłıchq Community Services Agency (TCSA), established under territorial legislation, is responsible for the management, administration and delivery of health, education and other social programs and services to all residents of the four Tłıchq communities and Tłıchq lands.

Consistent with the Agreement, the Tłıchq Community Governments (TCGs) of Behchokq, Whatı, Gamèti, and Wekweèti were established pursuant to territorial legislation on August 4, 2005. The TCGs are responsible for municipal services and represent and serve all residents of Tłıchq communities.

Chapter 7 of the Tłıchq Agreement calls for the creation of a Tłıchq Constitution and sets out the structure of the TG. In keeping with the principle of equal representation, Chapter 7 specifies that the governing body must include the Grand Chief, the Chief from each TCG, and at least one representative from each Tłıchq community, elected by the residents of that community.

- **Wildlife and Environmental Management:**

The Tłıchq Agreement provides for the establishment of two bodies to manage wildlife and the environment as institutions of public government. The Wek'èezhıı Land and Water Board (WLWB) has a mandate to regulate the use of land and water and the deposit of waste throughout Wek'èezhıı. The Wek'èezhıı Renewable Resources Board (WRRB) oversees the management of wildlife and habitat and makes recommendations about wildlife, forest, and plant resources and commercial activities throughout Wek'èezhıı. The Tłıchq Agreement also provides for TG representation on the Mackenzie Valley Environmental Impact Review Board (MVEIRB). MVEIRB ensures that environmental impacts and the concerns of Aboriginal peoples and other members of the public are considered carefully during the assessment of proposed developments in the Mackenzie Valley.



- **Dispute Resolution**

The Tłıchq Agreement provides for the appointment of a Dispute Resolution Administrator (DRA) and a Deputy Dispute Resolution Administrator (DDRA). The DRA is responsible for maintaining a roster of mediators and arbitrators, appointing mediators and arbitrators, establishing rules for mediation and arbitration and maintaining a public record of arbitration decisions. The DDRA's role is to act as the administrator during any period while the DRA is unable to act.

- **New Approach to Certainty:**

The Tłıchq Agreement provides certainty and clarity with respect to the ownership and management of land and resources, and to jurisdictional rights. The TG has agreed that it will not exercise any rights outside of the Tłıchq Agreement. However, should the TG find that it is entitled to a non-land right, such as a self-government right that is not mentioned in the Tłıchq Agreement, the TG may negotiate with government to exercise that right.

- **Implementing Bodies:** The Tłıchq Agreement provides for the establishment of a Tłıchq Implementation Committee (IC) made up of representatives from the TG, Canada and the GNWT. Its mandate is to monitor, manage, make recommendations, and report on the implementation of the Tłıchq Agreement, including funding levels identified in the Implementation Plan. The Financing Agreement that was signed between Canada and the TG establishes a Finance Committee. The Finance Committee has the mandate to review the Financing Agreement and resolve any financial issues that may arise in relation to implementation.



CHAPTER 2 | TŁJCHQ IMPLEMENTATION COMMITTEE

The Tłjchq Implementation Committee consists of one representative from each of the parties to the Tłjchq Agreement.

Tłjchq Government:

- During the 2010 to 2015 fiscal years, Bertha Rabesca Zoe served as the TG's representative on the Implementation Committee.
- More information about the TG can be found online at www.tlicho.ca

Government of Canada:

The Government of Canada is represented on the Tłjchq Implementation Committee by the Implementation Branch of Indigenous and Northern Affairs Canada (INAC). The Implementation Branch serves as a liaison on implementation issues for management boards, the Tłjchq, territorial governments, and other federal departments. During the 2010 to 2015 fiscal years, Kimberly Thompson, Director of Treaty Management West, represented INAC on the Implementation Committee.

- More information on the Government of Canada and its departments, programs, and services can be found online at www.canada.gc.ca/home.html
- More information about INAC can be found online at www.aadnc-aandc.gc.ca

Government of the Northwest Territories:

The Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR) is responsible for coordinating the GNWT's implementation activities under the Tłjchq Agreement. It manages the allocation of implementation funds received from Canada, represents the GNWT on the Tłjchq Implementation Committee and serves as a liaison on implementation issues for the GNWT's departments. Scott Alexander, Director of Implementation within DAAIR, represented the GNWT on the Implementation Committee during the 2010 to 2013 fiscal years. Scott was succeeded by Sue Bowie, who became the Director of Implementation in January 2014.

- More information about the GNWT can be found online at www.gov.nt.ca.
- More information about DAAIR can be found online at www.daair.gov.nt.ca.



CHAPTER 3 | 2010-2011 TO 2014-2015 REPORTING

Listed below are the issues discussed, and activities undertaken, by the Implementation Committee during the reporting period.

CULTURAL COORDINATOR

Under Section 8 of the ISA, a Cultural Coordinator (CC) is to be appointed jointly by the parties in order to advise them on how to use their respective powers in ways that respect and promote the Tłıchǵ language, culture, and way of life. The CC is responsible for preparing and submitting a work plan and budget to the IC for approval each year. Each party is responsible for one-third of the CC's budget.

Activities: 2010-2011

The CC was appointed in 2010 and sat on two committees, the Official Languages Committee and the Labour Force Development Committee.

Activities: 2011-2012

The parties approved the Cultural Coordinator's 2011 through 12 budget and work plan. The IC also signed-off on a Record of Decision, which reflected the revised CC funding, taking into account the correct annual adjustors and the addition of the onetime funding.

Activities: 2012-2013

The IC approved the Cultural Coordinator's 2013-2014 work plan and budget, and agreed to discuss the role of the CC, given the term expires in December, 2013. The CC produced the Tłıchǵ Cultural Coordinator's Three-Year Report as per the Tłıchǵ ISA (section 8.7). The report focused on housing and education issues, as well as ways to strengthen and preserve Tłıchǵ language.

Activities: 2013-2014

The CC's Three-Year Report was tabled in June 2013. Some key recommendations of the report included: developing and supporting interpreters and translators for the proper delivery of programs and services at all levels of government; increased support for Aboriginal programs and services; the development and application of conceptual tools to monitor the state of Tłıchǵ culture; and preventing damage to Aboriginal culture and languages from harmful social policy and legislation. Canada and the GNWT advised that they would like to work more collaboratively with the CC. The appointment of the CC, which was set to expire in December 2013, was extended to March 31, 2014. The IC is reviewing the role of the Cultural Coordinator. Once the review is completed, the IC will begin the process to appoint the next CC.



Activities: 2014-2015

Ms. Nora Wedzin was appointed to the position of CC effective September 8, 2014. Ms. Wedzin prepared a budget and work plan for the office of the CC for the remainder of the fiscal year. The budget was reviewed and approved by the IC.

In her introduction to the IC, Ms. Wedzin highlighted several goals for the CC's office for the upcoming three-year period:

- Follow-up on the recommendations set out in the previous CC's triennial report;
- Support and coordinate the creation of cultural tools necessary to facilitate the delivery of government programs and services in a Tłıchq cultural environment;
- Develop Tłıchq cultural benchmarks/measures/outcomes in regards to determining the state of Tłıchq language, culture and way of life;
- Conduct research to determine the impact of government practices, strategies and policies on Tłıchq language, culture and way of life;
- Continue to participate as a member of the Advisory Board of Directors of the Tłıchq Research and Training Institute in order to support approved research in the region.

Next Steps:

The IC recognizes that the role of the CC will continue to evolve with the ongoing implementation of the Tłıchq Agreement and ISA. The IC will continue to discuss the intended role of the CC and how that role may be tailored in the future to better suit the needs of the parties.

The CC will continue to update the IC on progress towards completing the CC work plan.

DISPUTE RESOLUTION ADMINISTRATORS

Pursuant to the Tłıchq Agreement (section 6.2.1), a Dispute Resolution Administrator (DRA) and a Deputy Dispute Resolution Administrator (DDRA) are to be appointed jointly by all parties. The term of appointment of the DRA and the DDRA shall be six years, with the option of reappointment. The DRA and DDRA are to assist in facilitating mediation and arbitration processes between the parties in accordance with the Tłıchq Agreement. The parties' nomination for the DRA appointment was approved in March 2009.

Activities: 2010-2011

The IC agreed to the nomination and appointment of the DDRA in April 2010, through the signing of a Record of Decision. The DRA commenced work to compile a roster of arbitrators and mediators using a list of potential candidates that were recommended by the parties. The DRA also prepared a draft 'Rules and Guidelines for Mediation and Arbitration' document that was circulated to the IC for review. IC representatives agreed to conduct their own internal legal review, prior to submitting it for joint review by the parties' legal counsel.



Activities: 2011-2012

The DRA continued to work towards completing a roster of arbitrators and mediators, using the recommended candidates submitted by Canada and the GNWT's IC representatives. Upon the TG's provision of recommended candidates they will be reviewed by the DRA and may be added to the roster.

The parties respective legal representatives formed a legal working group and began a joint review of the draft 'Rules and Guidelines for Mediation and Arbitration' document submitted by the DRA in November 2010.

Activities: 2012-2013

The parties continued to move forward on the finalization of the Rules and Guidelines for Mediation and Arbitration document. The TG reviewed the GNWT and Canada's list of recommended candidates to be included on the roster of arbitrators and mediators and considered whether additional TG recommended candidates should be added to the list.

Activities: 2013-2014

The IC adopted the roster of arbitrators and mediators submitted by the parties and advised the DRA accordingly. The legal working group met in October, 2013 and produced a close to final draft of the 'Rules for Mediation and Arbitration' document. When completed, the legal working group will forward their final draft to the IC for review and consideration. Final approval would be through a Record of Decision by the IC.

Activities: 2014-2015

The finalized Rules for Mediation and Arbitration were accepted by the IC and the DRA was advised on September 9, 2014.

The term of appointment of the DRA expired on March 23, 2015. The IC agreed on the nomination of the next DRA, and Canada is currently processing the associated appointment package.

Next Steps:

One of the first tasks for the newly appointed DRA will be the adaptation of the Rules for Mediation and Arbitration to a format that allows for distribution.



IMPACT BENEFIT AGREEMENT

Pursuant to the Tłıchq Agreement (section 23.4.1), the proponent of a major mining project that requires Government authorization and that will have an impact on Tłıchq Citizens is required to enter into negotiations with the TG, for the purpose of concluding an agreement relating to the project. The Tłıchq Agreement states that Government will, within one year after the effective date, develop the measures it will require to fulfill this obligation.

Activities: 2010-2011 – 2013-2014

Canada hired a contractor to develop a report on Impact Benefit Agreements (IBAs) for major mining projects. The decision was made to continue to advance work on this obligation internally with INAC resources, and between 2011-2012 and 2013-2014 Canada continued to work internally on approaches to fulfilling this obligation.

Activities: 2014-2015

Under the *Northwest Territories Land and Resources Devolution Transfer Agreement*, Canada agreed to continue to work on the development of measures to implement this obligation. With the transfer of responsibility for the management of NWT Crown lands to the GNWT, the territorial and federal governments will work collaboratively on this initiative.

TŁİCHQ ASSEMBLY/CULTURAL CENTRE - STATUS OF LAND

In negotiating the Tłıchq Agreement, the parties intended that the land on which the Tłıchq Assembly/Cultural Centre in Behchokq is located would become Tłıchq Lands. However, when the Tłıchq Agreement was ratified, the land was identified as vesting to the Community Government of Behchokq.

Activities: 2010-2011

The IC agreed to have NRCan conduct a survey of the Tłıchq Assembly/Cultural Centre lands (lots 15 & 16 and LTO plan 2181) in Behchokq. The survey will facilitate the process for the eventual conveyance of land to the TG. There is no mechanism in the Tłıchq Agreement that provides for the conveyance of Tłıchq Community lands to the TG and for them to take on the status of Tłıchq Lands. The IC agreed to have their respective legal counsel jointly develop options for transferring the land and recognizing the land as Tłıchq Lands.

Activities: 2011-2012 – 2012-2013

The IC reviewed issues related to the transfer of the Assembly/Cultural Centre lots to the TG, including the status of the leasehold interest of the Friendship Centre, which is located on the lands in question. It was noted that the lease of the Friendship Centre was signed in 1991 for a period of thirty years. As such, the Friendship Centre would have to surrender its lease, or the lease would have to expire, before the land can be transferred.

The legal working group continues to explore options for transferring the land, including a possible amendment to the Tłıchq Agreement which would confirm the status of the land as Tłıchq Land.



Activities: 2013-2014 – 2014-2015

Based on a list of options developed by the IC and legal counsel, the IC agreed that the Friendship Centre would need to surrender its lease prior to completion of the survey work that will be required in order to convey these lands to the Tłıchʔ Government.

Next Steps:

The TG will approach the Board of Directors of the Friendship Centre to gauge its willingness to relinquish the Centre's leasehold interest.

HEALTH CANADA PROGRAM TRANSFER

The TG has requested a direct funding relationship with Canada for the delivery of Health Canada's Aboriginal Wellness programs, such as Brighter Futures, Aboriginal Head Start and Prenatal Nutrition. Currently, aboriginal wellness program funding flows to NWT aboriginal governments through Health Canada's Northern Wellness Agreement with the GNWT. The GNWT is fully supportive of the TG's requested approach.

Activities: 2010-2011 – 2011-2012

In response to the TG's request to assume responsibility and accountability for aboriginal wellness programs by entering into a direct funding relationship with Canada for these programs, Canada conducted internal research to determine available options for flowing the associated program funding to the TG. The TG expressed concern about the option of adding the funding to the Tłıchʔ Financing Agreement, as program funding could be eroded over time, given the own-source revenue (OSR) offset provisions of the Financing Agreement.

Activities: 2012-2013

By requesting a direct funding relationship for aboriginal wellness programs, the TG hopes to streamline Health Canada's associated administrative reporting requirements. To ensure that program funding is not eroded by the OSR provisions of the Financing Agreement, the TG requested that the direct funding relationship be in the form of a modified contribution agreement, one that would not impose the same reporting requirements found in the GNWT's Northern Wellness Agreement with Health Canada. In order to discuss the matter further and explore options and interests, Canada coordinated a meeting between the TG, the GNWT, INAC and Health Canada, during the week of the December IC meeting in Ottawa.

Activities: 2013-2014

Health Canada confirmed that community based contribution agreements were not an option in the NWT; and therefore, any transfer of aboriginal wellness funding to the TG would have to be through its Financing Agreement with Canada (government-to-government). The advantage of this approach is that the TG would be accountable to TG Citizens, not Health Canada, for program delivery and would be solely responsible for managing program resources.



The TG continues to be concerned about the future erosion of program funding levels, given the OSR offset provisions of the Financing Agreement.

Activities: 2014-2015

INAC announced a modification of its approach to the application of OSR offsets to funding provided for social envelope programs under self-government financing arrangements. The modified policy approach protects funding provided for social programs and services from offset. Canada's revised approach will facilitate the transfer of funding from Health Canada to the TG, through the Financing Agreement.

Next Steps:

The TG, INAC and Health Canada intend on proceeding with the transfer of aboriginal wellness program funding to the TG directly, effective April 1, 2015.

BOARD FUNDING AND APPOINTMENTS

The purpose of the Wek'èezhìi Land and Water Board (WLWB) is to regulate the use of land and water, and the deposit of waste throughout Wek'èezhìi, as described and legislated by the Tłı̨chǫ Agreement and other related acts and regulations. The Wek'èezhìi Renewable Resources Board (WRRB) is the authority established to oversee the management of wildlife and habitat, and to make recommendations on wildlife, forest and plant resources, and commercial activities. The Mackenzie Valley Environmental Impact Review Board (MVEIRB) conducts environmental assessments and reviews of development projects in the Mackenzie Valley. Each Board is expected to prepare an annual budget. Board members are appointed on behalf of Canada, the GNWT, and the TG. In the case of MVEIRB, the Board also includes representatives from the Gwich'in, Sahtu, and Dehcho First Nations.

Activities: 2010-2011 – 2011-2012

Board funding was approved, and the status of appointments was discussed and followed up as required.

Activities: 2012-2013

On August 22, 2012, the parties signed a Record of Decision confirming that all parties are to consult on all appointments, as per the Tłı̨chǫ Implementation Plan.

Board funding was approved, and the status of appointments was discussed and followed up on as required.



Activities: 2013-2014 – 2014-2015

From July to December of 2013, Canada engaged with Treaty partners and Boards/Committees from the NWT to identify and discuss issues facing Boards, respecting funding and board operations. Based on these discussions, and on broader research, Canada has completed an in-depth analysis of board funding and operational issues and developed options to address these issues. These options are currently being considered within the federal system, and may result in revisions to INAC's approach to funding boards.

Board funding was approved, and the status of appointments was discussed and followed up on by IC representatives as required.

Next Steps:

Canada will advise the TG and GNWT on the outcome of this initiative.

MAPPING ISSUES

In September 2009, Canada raised the issue of significant discrepancies between the Official Description (Appendix to Chapter 1, Part 1) of the M̃qwhì Gogha Dè Ñl̃t̃l̃èè boundary and the illustrative map of the same boundary, as they appear in the T̃l̃ch̃q̃ Agreement. This warranted research to achieve resolution to the discrepancies.

Activities: 2010-2011

Canada provided maps to the TG and the GNWT showing the significant discrepancies between the illustrative map and the Official Description of the M̃qwhì Gogha Dè Ñl̃t̃l̃èè contained in the T̃l̃ch̃q̃ Agreement. Canada, through Natural Resources Canada (NRCan), is to undertake a thorough review and provide a report of any anomalies and ambiguities of the Official Description itself, as well as anomalies between the illustrative map and the Official Description, which will be shared with all parties. Canada will arrange a meeting with the TG and Natural Resources Canada (NRCan) to share information and begin discussions on the matter.

Activities: 2011-2012

Canada shared NRCan's report, which identified a number of items that needed further review by the parties internally, prior to further meetings.

Activities: 2012-2013

Canada and the TG met on September 21, 2012 to discuss the M̃qwhì Gogha Dè Ñl̃t̃l̃èè (M̃qwhì) boundary issues. The T̃l̃ch̃q̃ Government, through its Lands Department, advised that they have located the map used during the negotiation process to produce the Official Description in the T̃l̃ch̃q̃ Agreement and intend on undertaking a thorough "point-by-point" analysis of the map against the M̃qwhì Official Description in the T̃l̃ch̃q̃ Agreement.



Activities: 2013-2014 – 2014-2015

The TG and Canada (INAC- NWT Regional Office) continue to discuss and review the NRCan report on the discrepancies and provide clarity on these discrepancies.

Next Steps:

The parties will continue to meet and discuss and review the NRCan report on the discrepancies and provide clarity on these discrepancies. Upon completion of this review, NRCan will produce a final report.

INTERGOVERNMENTAL SERVICES AGREEMENT REVIEW

The Intergovernmental Services Agreement (ISA) is an agreement between the TG, the GNWT, and Canada that establishes the TCSA². The TCSA is intended to be an interim step in the development of self-government and is expected to evolve over time, as the TG makes decisions about exercising its social envelope jurisdictions and authorities, as set out in the Tłıchǵ Agreement, through the enactment of its own laws. The TCSA performs functions related to the delivery of education, health, and social services to Tłıchǵ Citizens as well as non-Tłıchǵ Citizens on Tłıchǵ lands and in Tłıchǵ communities.

Activities: 2010-2011

The GNWT has undertaken a project to research and assess program and service delivery options in the NWT. The IC agreed to review the results of the GNWT's work and the results of a concurrent TG-IRC- Délıne ISA review project before proceeding with the next two-year review of the ISA.

Activities: 2011-2012 – 2012-2013

The GNWT presented the findings of their ISA project to all NWT chief negotiators, the TG and Canada. The parties discussed the next steps and priorities regarding the Tłıchǵ ISA. The TG agreed to take the lead in initiating a review of the ISA during the summer of 2013.

Activities: 2013-2014 – 2014-2015

The GNWT and the TG agreed to work collaboratively on a Tłıchǵ specific ISA initiative to identify options for governance and program and service delivery beyond the initial 10-year term of the Tłıchǵ ISA. The project included representatives of the GNWT's Department of Health and Social Services, Aboriginal Affairs and Intergovernmental Relations, Education, Culture and Employment, Justice as well as the TCSA and TG.

As the project proceeded, the TG expressed a desire to move away from the review of program and service delivery options as set out in the project terms of reference and instead focus on governance options for the TCSA. While the project strayed from its intended purpose, and did not result in joint recommendations, it did produce a number of interesting governance options that the parties may wish to discuss further as they move forward with the renegotiation of the ISA.

² A copy of the Tłıchǵ Intergovernmental Services Agreement can be found on the Tłıchǵ Website: www.tlicho.ca/tlichogoverment/publications.



The IC signed a Record of Decision extending the term of the ISA to allow time to complete the renegotiation of the agreement and the passage of any consequential amendments to legislation that may be needed to implement the renewed ISA.

Next Steps:

The IC will need to confirm a work plan and identify representatives to undertake the renegotiation of the ISA.

ENVIRONMENTAL ASSESSMENT

Indian Affairs Branch (IAB) lands in the Behchokò area will be transferred from Canada to the Community Government of Behchokò. An environmental assessment is required before the land can be transferred.

Activities: 2010-2011

Canada reported that the IAB lands require an environmental assessment before they can be transferred to the Community Government of Behchokò. However, permission to do so has not been granted by the Community. The TG committed to holding internal discussions on this matter.

Activities: 2011-2012

The Community Government of Behchokò and INAC have discussed this issue; however, due to the lack of sufficient funding, INAC is unable to complete the environmental assessments this fiscal year.

Activities: 2012-2013

Canada has reported that, due to delays in committing the resources to undertake the work this fiscal year, the funding for the proposed environmental assessments has lapsed.

Activities: 2013-2014 – 2014-2015

Canada and the TG met in December 2013 to discuss the issue and next steps. Canada advised that to close the file and transfer the IAB lands to the Community Government of Behchokò, INAC would need to complete an environmental assessment, or have the TC waive the assessment process. Canada has requested that, should the TCG choose to waive the requirement for an environmental assessment, the waiver must be confirmed in writing.

Next Steps:

The TCG will advise Canada as to whether or not it will waive the requirement for an environmental assessment. If the TCG chooses to do so, it will submit written confirmation of the waiver to Canada.



FINANCING AGREEMENT REVIEW

The Tłıchǵ Agreement is accompanied by a bilateral financial agreement between Canada and the TG which sets out base funding to be provided to the TG, and the treatment of the TG's OSR. The Financing Agreement also sets out required activities which will be overseen by a Finance Committee, including the resolution of any issues that may arise in the implementation of the agreement.

Activities: 2009-2010

The Financing Agreement was scheduled for review.

Activities: 2010-2011

The parties approved the second draft of the Financing Agreement review produced by the TG. Canada informed the parties that the review should be completed promptly, as the mandate process to start negotiations can be quite lengthy.

Activities: 2011-2012

Canada and the TG held meetings and discussions in order to produce the Tłıchǵ Financing Agreement review document.

Activities: 2012-2013

The Financing Agreement review report was finalized. Both parties signed a Record of Decision approving the review.

Canada is pursuing internal processes in order to prepare for negotiations regarding the renewal of the Tłıchǵ Financing Agreement. The TG met with Minister Duncan in November 2012, and a letter was sent by the Minister to Tłıchǵ Grand Chief, Eddie Erasmus, addressing the Tłıchǵ Land Use Plan and the Tłıchǵ Financing Agreement Renewal.

Activities: 2013-2014 – 2014-2015

The TG and Canada continued to meet and discuss renewal of the Financing Agreement.

Next Steps:

Canada and the TG will continue to negotiate the terms of a renewed Tłıchǵ Financing Agreement.



ECONOMIC MEASURES

Under the Economic Measures Chapter of the Tłıchǵ Agreement, Canada and the GNWT are committed to promoting the economic interests of Tłıchǵ, including support for the traditional economy, the development of businesses, and the creation of job and training programs. Furthermore, when the GNWT and Canada propose economic development programs related to the objectives of this chapter, they must consult with the TG.

The Agreement requires the governments to meet with the TG, not less than once every three years, to review the effectiveness of programs relating to the objectives and measures of the Economic Measures chapter.

Activities: 2010-2011

The IC agreed that a workshop on economic measures should be organized, which would look at economic development and contracting programs and policies.

Activities: 2011-2012

An Economic Development Programs Workshop, facilitated by the IC, was held on June 8th in Behchokǵ and June 9th in Yellowknife. Goals and possible activities for the next phase of the Review, specifically activities that would support economic opportunities, were discussed by the IC.

Activities: 2012-2013

The TG has started internal work to explore economic measures practices to guide the next steps and provide recommendations on the next phase of the review. The TG is preparing a Tłıchǵ business list that will be shared with Canada and the GNWT. Canada offered to present a contracting session to the Tłıchǵ Chiefs, and also to provide information regarding the Aboriginal Economic Development Board.

Activities: 2013-2014

Canada provided specific funding to the TG to conduct research on how best to assist Tłıchǵ businesses. Pursuant to the funding agreement, the research must be completed by March 31, 2014.

Activities: 2014-2015

The TG completed an assessment of the economic impact of the Tłıchǵ Agreement on the NWT and regional economy. The assessment addresses the impact of the TG as well as its corporate entities. This work is expected to guide the IC as it moves forward with a review of the economic measures chapter of the Tłıchǵ Agreement.

Next Steps:

When completed, the TG will distribute its Tłıchǵ business list to Canada and the GNWT.



IMPLEMENTATION PLAN REVIEW

Chapter 5 of the Tłıchq Agreement refers to an Implementation Plan, which contains Activity Sheets that describe how the parties will go about implementing the activities and obligations required to fulfill the Agreement, as well as an estimate of the associated costs. The IC is required to initiate and complete a review of the first Implementation Plan and, if necessary, revise the schedule of activities, reallocate resources, and amend or negotiate a new Implementation Plan.

Activities: 2013-2014 – 2014-2015

The IC discussed the upcoming expiry of the first ten year Tłıchq Implementation Plan (August 3, 2015), associated implementation funding levels and next steps. The parties assigned members to a working group responsible for reviewing and recommending to the IC a new draft Implementation Plan. The working group has made substantial progress in reviewing the existing IP and identifying areas for revision.

Recipients of implementation funding under the Tłıchq Agreement (the Wek'èezhì Renewable Resources Board, the Wek'èezhì Land and Water Board, the Dispute Resolution Administrator, the Cultural Coordinator and the GNWT) will be required to prepare funding submissions for Canada, outlining and substantiating their implementation funding requirements for the next 10-year implementation period.

Next Steps:

The working group will complete a draft implementation plan for review by the IC, and implementation bodies will prepare funding submissions for Canada's consideration.

TŁİCHQ CITIZENS LIST

The TG is working on this year's Tłıchq Citizens list which will be shared with Canada and the GNWT once it is complete.

STATUS CARDS

The TG and Canada will continue discussions with Individual Affairs within INAC, regarding secure status cards and implications for Tłıchq Citizens.



OTHER ISSUES:

The following files were mainly approached outside of the Tłı̨ch̨q Implementation Committee. However, updates have been provided to all parties.

1. NWT DEVOLUTION

Discussions between Canada and the GNWT on the devolution of jurisdiction for land and resources lead to the signing of the *Northwest Territories Lands and Resources Devolution Agreement* on June 25th, 2013. The Devolution Agreement sets out the effective date for the transfer of responsibilities and authorities associated with the management of Crown lands and resources in the Northwest Territories, as of April 1st, 2014. Its implementation will mean that some obligations and activities of the Tłı̨ch̨q Agreement and corresponding Implementation Plan will transfer from Canada to the GNWT.

2. REGULATORY REVIEW

The Action Plan to Improve the Northern Regulatory Regimes was announced by INAC in 2010. The purpose of the Action Plan is to complete and strengthen current regulatory regimes in the North. The initiative focuses on:

- Providing more efficient and effective processes through legislative and regulatory change;
- Enhancing environmental monitoring, through implementing the NWT Cumulative Impact Monitoring Program and the Nunavut General Monitoring Plan;
- Reflecting a strong Aboriginal voice in the northern regulatory regime.

3. SURFACE RIGHTS BOARD LEGISLATION

The federal *Northwest Territories Surface Rights Board Act* was passed on June 19th, 2013 in response to Canada's obligations arising from both the *Gwich'in Comprehensive Land Claim Agreement* and the *Sahtu Dene and Metis Comprehensive Land Claims Agreement*, to establish surface rights legislation in the Northwest Territories. With the *Northwest Territories Lands and Resources Devolution Agreement* pending, government made the decision to form the Surface Rights Board under a territorial *Surface Rights Board Act*.

The purpose of the Act is to set out an orderly process to resolve disputes concerning the terms and conditions of access, and the compensation to be paid with respect to that access, relating to Gwich'in lands, Sahtu lands, Tłı̨ch̨q lands, Inuvialuit lands or other lands, such as private, Commissioner's, or Crown land in the Northwest Territories. The Surface Rights Board will settle disputes between holders of surface or subsurface rights and the owner or occupant of the surface when an agreement cannot be reached by the parties through negotiation or mediation.

Sections 8 and 33 of the *Northwest Territories Surface Rights Board Act* respecting the operations of the Surface Rights Board including its authority to consider an application for an Order do not come into effect until June 19th, 2015.





