

# TŁIČHO

## AGREEMENT



2020/2021—2021/2022



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# ABBREVIATIONS AND ACRONYMS

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<b>CIRNAC</b>	Crown-Indigenous Relations and Northern Affairs Canada
<b>Canada</b>	Government of Canada
<b>DDRA</b>	Deputy Dispute Resolution Administrator
<b>DRA</b>	Dispute Resolution Administrator
<b>EIA</b>	Executive and Indigenous Affairs (GNWT)
<b>ERWG</b>	Effectiveness Review Working Group
<b>GNWT</b>	Government of the Northwest Territories
<b>IC</b>	Implementation Committee
<b>IP</b>	Implementation Plan
<b>IPWG</b>	Implementation Plan Working Group
<b>ISA</b>	Intergovernmental Services Agreement
<b>MGDN</b>	Mᓄwhì Gogha Dè Nìttlèè
<b>MOU</b>	Memorandum of Understanding
<b>MVEIRB</b>	Mackenzie Valley Environmental Impact Review Board
<b>NRCan</b>	Natural Resources Canada
<b>NWT</b>	Northwest Territories
<b>Parties</b>	Collectively Canada, GNWT and TG
<b>RoD</b>	Record of Decision
<b>TCG</b>	Tłıchq Community Government
<b>TCSA</b>	Tłıchq Community Services Agency
<b>TG</b>	Tłıchq Government
<b>Tłıchq Agreement</b>	Tłıchq Land Claims and Self-Government Agreement
<b>WLWB</b>	Wek'èezhìi Land and Water Board
<b>WRRB</b>	Wek'èezhìi Renewable Resources Board

# OVERVIEW

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The Tłıchǰ Land Claims and Self-Government Agreement (Tłıchǰ Agreement) came into effect on August 4, 2005. The Tłıchǰ Agreement, which was negotiated by the Dogrib Treaty 11 Council, the Government of the Northwest Territories (GNWT), and the Government of Canada (Canada), created the Tłıchǰ Government (TG) along with a number of implementing bodies to carry out the provisions of the Tłıchǰ Agreement. These bodies include the Wek'èezhìi Land and Water Board (WLWB), the Wek'èezhìi Renewable Resources Board (WRRB), the Tłıchǰ Implementation Committee (IC), as well as a Dispute Resolution Administrator (DRA) and Deputy Dispute Resolution Administrator (DDRA).

The Tłıchǰ Agreement provides Tłıchǰ Citizens and the Tłıchǰ First Nation with rights and benefits in respect of land, resources, and self-government. It recognizes the importance of protecting and preserving Tłıchǰ language, culture, and way of life.

The following is a summary of the provisions of the Tłıchǰ Agreement:

- **Land:** Through the Tłıchǰ Agreement, the ownership of a single block of approximately 39,000 square kilometres of land is vested in the Tłıchǰ First Nation. Tłıchǰ title to these lands includes both surface and subsurface interests.
- **Financial Compensation and Resource Revenue Sharing:** The Tłıchǰ Agreement provides for approximately \$152 million in cash payments from Canada to the TG over the first 14-year period of the Agreement, as well as a share of resource royalties received by government annually from the development of Mackenzie Valley resources.

In addition to identifying Tłıchǰ lands, the Tłıchǰ Agreement also defines distinct geographical areas within which the Tłıchǰ First Nation and Tłıchǰ Citizens have defined rights and benefits. The first and largest geographic area is Mǫwhì Gogha Dè Nıttèè (MGDN), the traditional area of the Tłıchǰ First Nation. The second distinct area is Wek'èezhìi, a resource management area located wholly within MGDN. The Tłıchǰ communities of Behchokǰ, Whatì, Gamètì, and Wekweètì are located within the boundary of Tłıchǰ Lands, on lands owned by the respective public government of each community.

Finally, the Tłıchǰ Agreement defines an area called Ezǫdzìtì, which is of historical and cultural importance to the Tłıchǰ First Nation. The Tłıchǰ people do not own this land and do not exercise any additional harvesting or management rights within its boundaries. However, the Parties to the Tłıchǰ Agreement have agreed to protect Ezǫdzìtì in the interest of preserving its historical and cultural importance to the Tłıchǰ people.

# OVERVIEW

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- **Eligibility and Enrolment:** Following the completion of work by the initial Eligibility Committee to process the enrolment of those entitled to be registered as Tłıchǫ Citizens, the TG appointed a Registrar to administer enrolment of Tłıchǫ Citizens and maintain the Tłıchǫ Citizen Register.
- **Economic Measures:** The Economic Measures chapter of the Tłıchǫ Agreement confirms the economic objectives of the Tłıchǫ First Nation, including supporting the traditional economy and developing Tłıchǫ businesses. When the GNWT and Canada propose economic development programs related to the objectives of this chapter, they are required to consult with the TG. The chapter further requires that government will meet with the TG not less than once every three years to review the effectiveness of programs related to the objectives set out in the Economic Measures chapter.
- **Self-Government:** The Tłıchǫ Agreement implements the inherent right of self-government for the Tłıchǫ First Nation. The Agreement recognizes a regional government with law-making authority for Tłıchǫ Citizens in Tłıchǫ communities and on Tłıchǫ lands. This law-making authority includes aspects of education, adoption, child and family services, training, income support, social housing, and Tłıchǫ language and culture.

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

Chapter 7 of the Tłıchǫ Agreement calls for the creation of a Tłıchǫ 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 TCG elected by the residents of that community.

- **Wildlife and Environmental Management:** The Tłıchǫ Agreement affirms harvesting rights of the Tłıchǫ First Nation and sets out a comprehensive approach to wildlife and environmental management within the Wek'èezhìi area, including the establishment of a WLWB and a WRRB. The Tłıchǫ Agreement also confirms Tłıchǫ representation on the Mackenzie Valley Environmental Impact Review Board (MVEIRB), which ensures that environmental impacts and the concerns of Indigenous peoples and members of the public are considered carefully during the assessment of proposed developments in the Mackenzie Valley.

# OVERVIEW

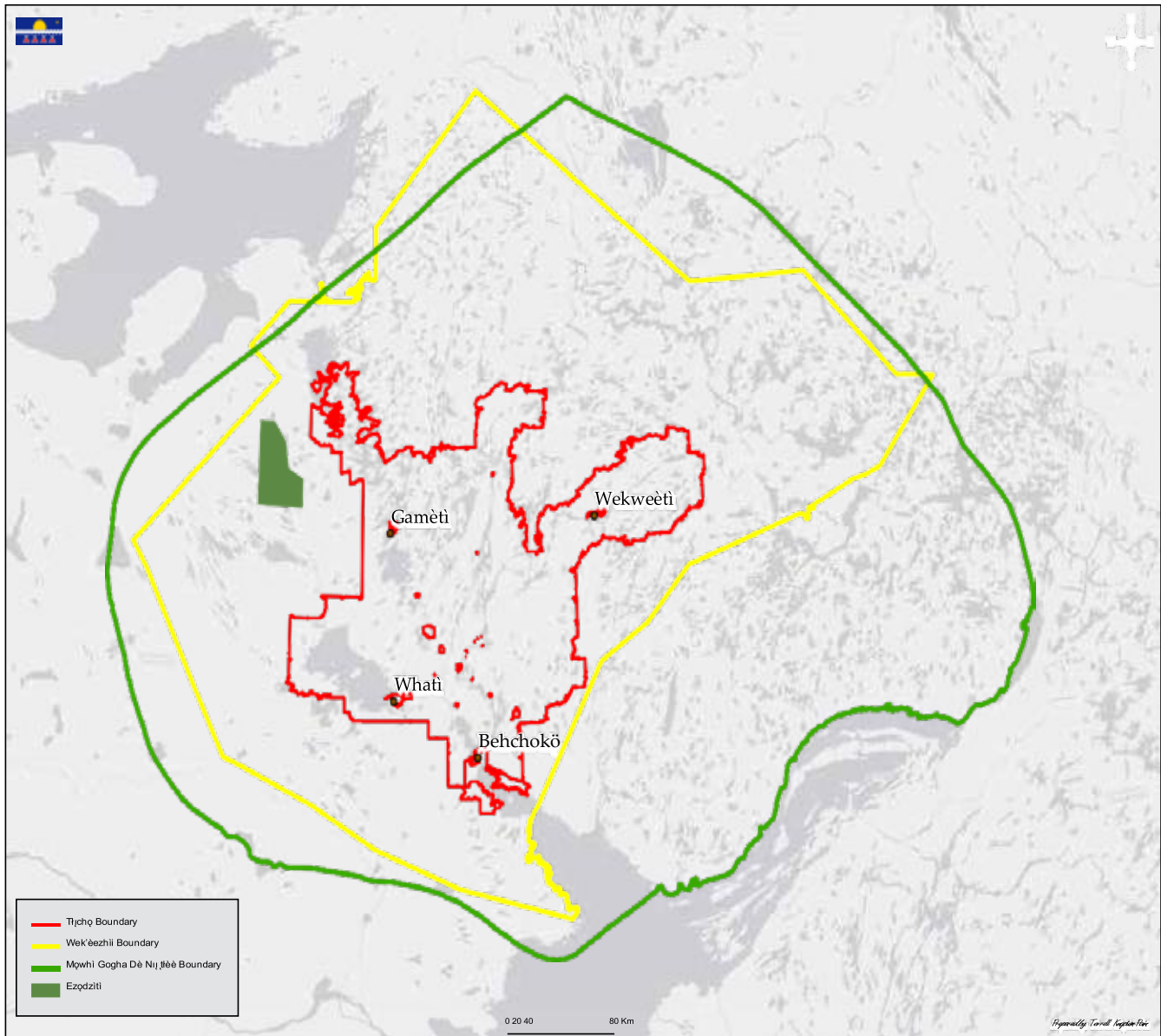
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- **Dispute Resolution:** The Tłıchǵ Agreement is the first Northwest Territories (NWT) treaty to include a process to address disputes related to the Tłıchǵ Agreement through informal discussions initially, followed by mediation, before an issue can be referred to arbitration for a decision. A DRA and DDRA are jointly appointed by the Parties to oversee the administration of the dispute resolution process.
- **Certainty:** The Tłıchǵ Agreement sets out a new approach to certainty and clarity to ownership and management of land and resources, and to jurisdictional rights. The Tłıchǵ First Nation has agreed that it will not assert or exercise any aboriginal or treaty rights, other than those rights set out in the Tłıchǵ 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 Tłıchǵ Agreement, the TG may negotiate with government for the exercise of that right.
- **Implementation Committee:** The Tłıchǵ Agreement provides for the establishment of an IC comprised of representatives from the TG, Canada and the GNWT.
- **Implementing Agreements:** The Tłıchǵ Agreement calls for the development of three separate side agreements that support the implementation of the Agreement. These include the Tax Treatment Agreement, Financing Agreement, and Intergovernmental Services Agreement (ISA).
- **Implementation Plan:** The Tłıchǵ Agreement is accompanied by a non-legally binding Implementation Plan (IP) that sets out how the obligations of the Parties under the agreement will be carried out. The IP describes the activities required to fulfill obligations under the Tłıchǵ Agreement, identifies the parties responsible for undertaking those activities, and provides timing guidelines that provide an indication of likely timeframes required to undertake and complete activities.



# OVERVIEW

## Map of the Tłıchǫ Agreement<sup>1</sup>



<sup>1</sup> Note: Map is illustrative only.



# IMPLEMENTING BODIES

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The Tłıchq Agreement provides for the establishment of a number of implementing bodies responsible for carrying out various provisions of the Tłıchq Agreement. These implementing bodies are:

## Tłıchq Implementation Committee

Section 5.2 of the Tłıchq Agreement provides for the establishment of an IC to oversee the implementation of the Tłıchq Agreement and IP. The TG, GNWT and Canada are each required to appoint a senior representative to the Committee. The mandate of the IC is set out in the Tłıchq Agreement and includes:

- monitoring the status of the IP;
- revising activities and funding levels identified in the IP;
- attempting to resolve implementation issues;
- making recommendations to the Parties respecting the implementation of the Tłıchq Agreement beyond the initial 10-year period; and
- providing the Parties with an annual report on the implementation of the Tłıchq Agreement.

### IC representatives:

**Tłıchq Government:** During the reporting period, Bertha Rabesca Zoe, Director of Department of Planning and Partnerships, represented the TG on the IC.

- More information about the TG can be found online at [www.tlicho.ca](http://www.tlicho.ca).

**Government of Canada:** Canada is represented on the IC by the Implementation Sector of CIRNAC. The Implementation Sector serves as a liaison on implementation issues for management boards, the TG, territorial government, and other federal departments. Tannis Bujaczek, Manager in Treaty Management West, represented CIRNAC on the IC during the reporting period.

- More information on Canada and its departments, programs, and services can be found online at [www.canada.ca](http://www.canada.ca).
- More information about CIRNAC can be found online at [www.canada.ca/crown-indigenous-relations-northern-affairs](http://www.canada.ca/crown-indigenous-relations-northern-affairs).

**Government of the Northwest Territories:** The GNWT, represented by the Department of Executive and Indigenous Affairs (EIA), Implementation Division, is responsible for coordinating the GNWT's implementation activities under the Tłıchq Agreement. The Division manages the allocation of implementation funds received from Canada, represents the GNWT in tripartite implementation discussions and negotiations, and serves as a liaison on implementation issues for GNWT departments. Sahara Morin, Director, Implementation, EIA, represented the GNWT on the IC over the course of the reporting period.

- More information about the GNWT can be found online at [www.gov.nt.ca](http://www.gov.nt.ca).
- More information about EIA can be found online at [www.eia.gov.nt.ca](http://www.eia.gov.nt.ca).

# IMPLEMENTING BODIES

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## Dispute Resolution Administrators (DRA)

The Tłıchǰ Agreement provides for the appointment of a DRA and a DDRA. The DRA and DDRA are to assist in facilitating mediation and arbitration processes between the Parties by maintaining a roster of mediators and arbitrators, appointing mediators and arbitrators to a dispute, 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.

The DRA and DDRA are appointed jointly by all parties for a term no more than six years, with the option of reappointment.

## Wek'èezhìi Land and Water Board

The Tłıchǰ Agreement provides for the establishment of the WLWB, an institution of public government with responsibilities for the regulation of land and water use and the deposit of waste throughout Wek'èezhìi, with certain exceptions. For example, the WLWB does not regulate within a national park, a national historic park, or site administered by Parks Canada.

The objective of the WLWB is to provide for the conservation, development, and utilization of land and water resources for the benefit of not only those current and future residents within Wek'èezhìi, but also for the well-being and way of life of the Tłıchǰ First Nation, Tłıchǰ Citizens, and for all Canadians.

The WLWB is comprised of five members, one of which is the Chairperson. Two members are appointed by the TG, while the other two are appointed by Government, after consulting with one another. The Chairperson is nominated by the majority of board members and appointed jointly by the TG and CIRNAC. Members are appointed for three-year terms and may be reappointed.

## Wek'èezhìi Renewable Resources Board

The WRRB is another institution of public government created pursuant to the Tłıchǰ Agreement, whose purpose is to oversee the well-being of wildlife and its habitat. Responsibilities of the WRRB include making recommendations respecting the management of wildlife, forests, plants, and any associated commercial activities throughout Wek'èezhìi. The WRRB does not have authority for wildlife or wildlife habitat in a national park nor fish or fish habitat in Great Slave Lake.

The review of proposed wildlife management actions, determination of total allowable harvest levels, recommendations on regulations for commercial activities related to wildlife, and making determinations for the restriction of harvesting by Tłıchǰ Citizens in protected areas are some of the additional duties of the WRRB.

The WRRB is comprised of nine members, one of which is the Chairperson. Four members are appointed by the TG; CIRNAC and the GNWT each appoint two, after consultation amongst themselves. The Chairperson is jointly appointed by all three Parties on the recommendation of the WRRB. Members are appointed for a five-year term and may be reappointed.

# IMPLEMENTATION COMMITTEE ACTIVITIES

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The IC typically meets in-person in the spring, fall, and winter of each reporting period. Due to the COVID-19 pandemic, the IC meetings held on May 11, 2020, September 2, 2020, January 29, 2021, May 31, 2021, and February 3, 2022 were conducted by video conference. Due to scheduling conflicts, an IC was not held in fall 2021. Hosting and chair responsibilities rotated between CIRNAC, GNWT and the TG.

While the GNWT is not a party to the Tłıchq Finance Committee, it typically participates with Canada and the TG in the annual Tłıchq Finance Committee meeting held early in each calendar year. The Tłıchq Finance Committee met on February 15, 2021 and March 17, 2022. At these meetings, parties heard presentations from the various implementing bodies established pursuant to the Tłıchq Agreement on projects and budgets for the upcoming reporting period.

Listed below are the activities advanced and issues discussed and addressed by the IC over the course of the reporting period.

## Cultural Coordinator

Under Section 8 of the Intergovernmental Services Agreement (ISA), a Cultural Coordinator is to be appointed jointly by the Parties to advise them on how to exercise their respective powers in ways that respect and promote the Tłıchq language, culture, and way of life. As per the ISA and Tłıchq Implementation Plan, the TG, Canada, and the GNWT equally share the cost for the Cultural Coordinator position (see Appendix A for details). Any expenses above the annual funding allocation are the responsibility of the TG.

Julia Naedzo's appointment to the Cultural Coordinator position was effective April 1, 2020. Due to delays caused by the COVID-19 pandemic, she was unable to present her draft work plan and budget for the 2020/2021 reporting period until the Tłıchq Finance Committee Meeting on January 29, 2021.

The work plan and budget was circulated by Canada to the TG and GNWT on February 10, 2021 for review. Following discussions, the 2020/2021 work plan and budget was approved by email on March 8, 2021 and the IC committed to further discuss the 2021/2022 work plan and budget with Julia Naedzo.

Despite efforts over the course of the reporting period by the parties to further develop the draft work plan and budget for the 2021/2022 reporting period, it was not until March 9, 2022 that the final version was submitted and subsequently approved by the parties.

Julia Naedzo provided a presentation on her work over the reporting period along with an overview of the draft work plan and budget for the 2021/2022 reporting period at the Finance Committee Meeting on March 17, 2022.

### Next Steps:

*The IC will continue to collaborate with the Cultural Coordinator on finalizing/approving the 2022/2023 work plan and budget, particularly focusing on completion of the three-year report and examining ways to better meet the needs of the Parties when it comes to advice and guidance on matters related to Tłıchq language, culture, and way of life.*

# IMPLEMENTATION COMMITTEE ACTIVITIES

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## Dispute Resolution

On September 18, 2018, Louie Azzolini was reappointed to the DRA position for a term of six years.

There were no disputes advanced to the IC or requiring the services of the DRA during the reporting period. Should the need for dispute resolution services arise, a roster of individuals qualified to undertake mediation or arbitration is currently in place and will continue to be maintained by the DRA.

Efforts to fill the vacant DDRA position have continued through the reporting period.

The IC has identified a number of options for addressing the DDRA vacancy, some of which are still under consideration, such as: directly soliciting names, advertising publicly for expressions of interest, using candidate pools for existing appointment processes, and leaving the position vacant. In the event both the DRA and DDRA positions are vacant, the NWT Supreme Court can be requested to act as the DRA under Chapter 6 of the Tłıchǰ Agreement.

In view of the option of using the candidate pool from existing appointment processes, Canada shared information on a potential candidate for the DDRA position that was subsequently discussed at the February 3, 2022 IC meeting. Following the meeting, the parties would advise if they support the candidate in order to proceed with the formal appointment process.

The application of Section 6.1.1(c) of the Tłıchǰ Agreement was referred to the IC for discussion, in light of the proposal to utilize it for the first time in an agreement under negotiation between the GNWT and the TG.

### Next Steps:

*The parties will complete their review and discussion on the potential candidate for the purpose of deciding to advance their appointment.*

## Tłıchǰ Community Lands

During 2020/2021, the TG continued its internal review of the interpretation of Section 9.3 of the Tłıchǰ Agreement respecting limits on the alienation of Tłıchǰ Community Lands. Specifically, it allows the transfer of a fee simple interest in Tłıchǰ Community Lands to an Expropriating Authority in place of Expropriation.

At the February 3, 2022 IC meeting, the TG stated their concurrency with the other parties that there appears to be a conflict in the operation of Section 9.3. It was agreed to schedule a separate meeting of the parties to jointly review the provision with the objective to recommend an amendment to address the conflict.

### Next Steps:

*The GNWT will schedule a meeting for the Parties to continue discussions and recommend amendment language for Section 9.3 of the Tłıchǰ Agreement.*

# IMPLEMENTATION COMMITTEE ACTIVITIES

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## Implementation Funding and Financing Agreement

As set out in the Tłıchq IP and associated bilateral funding agreements, Canada provides funding to the TG, the GNWT, and implementation bodies created pursuant to the Tłıchq Agreement, in support of the ongoing implementation of the Tłıchq Agreement.

The Implementation funding amounts for each fiscal year of the reporting period are approved by the IC through a Record of Decision (RoD). The funding amounts and RoDs are set out in Appendix A and B, respectively, to this report.

In the same RoDs, the IC have extended the term of the Tłıchq IP on a yearly basis from August 3, 2020 to August 3, 2022.

Canada and TG have also amended the existing Financing Agreement in 2021, with an effective date of March 31, 2021, and in 2022, with a retroactive effective date of April 1, 2021.

In March 2021, the IC signed a RoD to confirm the 2021/2022 Implementation funding amounts and extend the Tłıchq IP for another year, to August 3, 2022.

### Next Steps:

*The Collaborative Fiscal Process will continue in 2022/2023 with federal and Indigenous government working groups to move forward on the development of further annexes to complete a new comprehensive federal fiscal policy.*

## Board Appointments

A standing item on the IC agenda is the status of nominations and appointments to various boards and implementation bodies on which the TG, the GNWT, and Canada each have representation. Canada typically provides an update to the Parties on the status of nominations and appointments, and the TG and the GNWT confirm this information against their records and discuss measures to address pending or existing board member vacancies.

During the 2020/2021 reporting period, Steve Matthews was reappointed to the WRRB and Mike Nitsiza was reappointed to the WLWB. There were three board member vacancies that were being processed at the end of the reporting period and five appointments that will expire during the next reporting period.

During the 2021/2022 reporting period, Mason Mantla was appointed Chairperson to the WLWB, and Alex Nitsiza and Jocelyn Zoe were appointed to the WLWB. At the end of the reporting period (March 31, 2022), there were three vacancies, and three appointments due to expire during the 2022-2023 reporting period.

There have been ongoing concerns raised regarding the timeliness of filling board vacancies and the Parties committed to working together to ensure board vacancies are filled in a timely manner moving forward.

### Next Steps:

*IC representatives will continue to work within their respective governments to promote the timely appointment of board members.*

# IMPLEMENTATION COMMITTEE ACTIVITIES

## Tłıchǫ Land Surveys

The survey of Tłıchǫ Lands is a federal obligation under Section 18.4.1 of the Tłıchǫ Agreement. In accordance with a multi-year work plan set out in the Tłıchǫ IP, Natural Resources Canada (NRCan), on behalf of Canada, has carried out the required survey work and continues to undertake activities that will lead to the registration of the boundary of Tłıchǫ Lands.

NRCan's field work included the survey of excluded parcels, of natural boundaries that were not well defined, and of the placement of permanent signs that identify the lands as "Tłıchǫ Lands".

In 2017, NRCan circulated to the GNWT and TG for their review and approval the draft survey plans that collectively will form the "Tłıchǫ Atlas". Since, the parties have continued their internal reviews, which has caused several land ownership/tenure issues to be brought to light requiring follow-up and affecting the approval by the TG and GNWT. The approval of the survey plans are required in order to complete the registration of the Tłıchǫ Atlas in the Land Titles Office.

At the February 3, 2022 IC meeting, the parties updated on the status of the Tłıchǫ Atlas, with the GNWT noting the need for a multi-party discussion respecting an area of land potentially bisected by the boundary between the Behchokǫ and Tłıchǫ Lands. The TG also used the opportunity to renew an issue over the land located in Behchokǫ for the Tłıchǫ Cultural Center and a potential solution associated with the survey of Tłıchǫ Lands project.

The parties met specifically on the issue, once on February 21, 2022 and again on February 28, 2022. Flowing from the meetings, the GNWT advised that it will continue its review of the issue noted in the preceding paragraph and advise the parties when completed and if there are ongoing GNWT concerns. As well, the TG committed to table a table on addressing the Tłıchǫ Cultural Centre land in the scope of the Tłıchǫ Lands survey project.

### Next Steps:

*The Parties will work to resolve any issue preventing the survey plans comprising the Tłıchǫ Atlas to be registered along with whether the Tłıchǫ Cultural Centre land can be addressed as part of the Tłıchǫ Atlas process. NRCan will continue to lead the registration of the Tłıchǫ Atlas while the parties and the IC will continue to address the issues and facilitate the survey registration.*

## Mǫwhì Gogha Dè Nijtlèè Boundary Discrepancies

In September 2009, Canada raised the issue of significant discrepancies between the metes and bounds description of the MGDN boundary and the illustrative map of the boundary included in the Tłıchǫ Agreement. The IC agreed that the issue warranted further research before a course of action to resolve the discrepancies could be recommended to the Parties.

# IMPLEMENTATION COMMITTEE ACTIVITIES

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An initial report on the matter was issued by NRCan in February 2010, followed by more detailed reports in May 2015 and April 2016 that identified sections of the Part 1 metes and bounds description of the Appendix to Chapter 1 that would benefit from clarification.

A point-by-point analysis of the metes and bounds description was undertaken by CIRNAC, NRCan, and the TG (GNWT participated as an observer). NRCan wrote a draft report on the matter for review by all three parties. The TG are reviewing this report and, once completed, the MGDN Working Group will meet to finalize the report. The finalized report will be tabled at the IC to recommend an approach to the Parties to address the report findings in the context of amending the written metes and bounds description in Part 1 of the Appendix to Chapter 1 and the illustrative map of the MGDN boundary in the Tłı̨chǫ Agreement.

## Next Steps:

*TG to complete their internal review of the draft NRCan report and schedule a meeting of the MGDN Working Group.*

## Intergovernmental Services Agreement Review

The ISA is an agreement between the TG, the GNWT, and Canada that establishes the Tłı̨chǫ Community Services Agency (TCSA).<sup>2</sup> The TCSA was intended to be an interim step in the process of self-government. It is expected to evolve over time as the TG makes decisions regarding the exercise of its social envelope jurisdictions and authorities, as set out in the Tłı̨chǫ Agreement, through the enactment of its own laws. The TCSA performs functions related to the delivery of education, health, and social services to Tłı̨chǫ Citizens, as well as non-Tłı̨chǫ Citizens, on Tłı̨chǫ lands and in Tłı̨chǫ communities.

The initial 10-year term of the ISA ended in August 2015; however, the Parties agreed to renegotiate the ISA. Until a replacement agreement is developed, the existing ISA will remain in force until it expires on its twentieth anniversary date or is replaced by a new agreement.

In 2018/2019, the TG and the GNWT initiated a project to identify options for governance and program and service delivery beyond the initial 10-year term of the Tłı̨chǫ ISA. The project served to identify TG interests and the collaborative work necessary to produce recommendations on governance. Program and service delivery is ongoing.

In 2019/2020, the TG, the GNWT, and Canada signed a Memorandum of Understanding (MOU) outlining the process to replace the existing Tłı̨chǫ ISA. Parties also established an ISA Working Group to further the objectives and priorities set out in the MOU.

<sup>2</sup>A copy of the Tłı̨chǫ Intergovernmental Services Agreement can be found on the Tłı̨chǫ Website: <https://www.tlicho.ca/government/documents>



# IMPLEMENTATION COMMITTEE ACTIVITIES

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In early 2020/2021, the TG advised that the ISA renewal will be delayed due to the COVID-19 pandemic. The Parties await confirmation from the TG regarding when they will be ready to re-engage in renewal discussions. Helen Vaughan-Barrieau replaced Nick Mitchell as Canada's representative on the working group.

During the 2021/2022 reporting period, the TG continued internal deliberations on renewal of the ISA.

## Next Steps:

*TG will advise Canada and GNWT when they are available to resume discussions on renewal of the ISA.*

## Economic Measures

Under Chapter 26 of the Tłı̨chǫ Agreement, Canada and the GNWT are committed to promoting the economic interests of Tłı̨chǫ Citizens, 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 the Chapter, they must consult the TG.

The Tłı̨chǫ Agreement requires government to meet with the TG at least once every three years to review the effectiveness of programs relating to the objectives and measures of the Economic Measures Chapter.

For the 2019 Effectiveness Review, the Parties agreed to an approach that included hiring a contractor to undertake quantitative data analysis and qualitative research; however, the Parties ultimately decided to remove the qualitative research component from this review and ended the contract upon completion of the initial quantitative data analysis, due to challenges posed by the COVID-19 pandemic, as well as other factors. On March 8, 2021, the Tłı̨chǫ IC approved the Final Report for the 2019 Effectiveness Review with a formal RoD executed in June of 2021 (see Appendix B).

To obtain a copy of the Report, please email the following: [tlichoc@rcaanc-cirnac.gc.ca](mailto:tlichoc@rcaanc-cirnac.gc.ca).

On September 3, 2021, the TG shared a draft work plan for the ERWG to address the implementation of the recommendations in the 2019 Effectiveness Review Report, focusing on preparation for the next Effectiveness Review. Over the course of 2021-2022, the ERWG met several times to discuss the draft work plan and determine the initial items on which the parties will focus. The ERWG plans to continue to meet monthly to advance this work.

## Next Steps:

*The ERWG will continue to oversee and recommend the implementation of the recommendations from the 2019 Effectiveness Review Report and planning for the next review.*

# IMPLEMENTATION COMMITTEE ACTIVITIES

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## Implementation Plan Review

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

While a new IP is being negotiated, the IC has passed several RoDs to extend the term of the existing IP, as well as provide for yearly adjustments to the funding levels for implementation-related activities. The latest RoD extended the Tłıchq IP a further term, until August 3, 2023; however, it was not finalized within the 2021/2022 reporting period.

The format of the review by the Implementation Plan Working Group (IPWG) took on a two-phase approach. The first phase focused on verification of obligations through a clause-by-clause review of the Tłıchq Agreement against the Activity Sheets in the current IP, along with setting out the preamble and related clauses in Activity Sheets.

The first phase is complete. The second phase involves updating the steps in each Activity Sheet, bringing clarity to the actions, adding or removing steps for a more fulsome process, and realistic timelines to complete the tasks; the second phase is mostly completed and is expected to be finalized in 2022.

One of the outcomes of the IPWG's work was the identification of several editorial inconsistencies and minor typographical errors in the Tłıchq Agreement. These items have been shared with the parties and discussed at the February 3, 2022 IC, and whether they would warrant an amendment to the Tłıchq Agreement. The parties agreed to further consider and discuss at the next IC.

### Next Steps:

*The IPWG will continue its work to complete phase two of the IP review and will recommend the draft IP to the Parties for review. The Parties will sign the RoD to extend the Tłıchq IP until August 3, 2023.*

## Status Reports

Since the effective date of the Tłıchq Agreement, Canada and the GNWT have adopted measures that support and track their respective implementation activities related to their obligations under the Tłıchq Agreement. Each government shares these reports periodically, and IC meetings provide an opportunity for the TG, or governments, to ask questions or comment on the work undertaken by the GNWT or Canada to fulfill their obligations under the Tłıchq Agreement.

At the January 2020 IC, the GNWT reported that they are in the process of developing a comprehensive database management system that will track the status of implementation obligations for settled claims. Called the Implementation and Reconciliation Accountability and Management System (IRAMS), it will include a crosswalk between Tłıchq Agreement provisions, the IP, as well as how they relate to the articles of UNDRIP, the TRC Calls to Action, and MMIWG Calls to Justice.

# IMPLEMENTATION COMMITTEE ACTIVITIES

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Development of the GNWT comprehensive database management system has been slowed due to COVID-19; however, it is now in the testing and verification phase.

## Next Steps:

*The GNWT will continue to engage its Treaty partners and update the IC on the development, and implementation, of its database system.*

## IC Effectiveness Review

During the reporting period, the IC briefly revisited the discussion of IC operations and how they could be improved in order to aid in prioritizing IC work, including use of separate venues to advance specific topics and how the respective organizations document the implementation of the Tłı̨chǫ Agreement.

The IC agreed to revisit the Meeting Protocol that was adopted for the Tłı̨chǫ IC and it was circulated in advance of the February 3, 2022 IC; however, it was agreed to defer the review and discussion to the following IC meeting, which falls outside the reporting period.

## Next Steps:

*The IC will review its Meeting Protocol document and whether it warrants updating at a future meeting.*

## Wills and Estates

Under the *Indian Act* (Canada), CIRNAC covers the costs for probate services when a Status Indian passes away without a legal will in place. The Tłı̨chǫ Agreement (2.2.7) confirms that CIRNAC will remain responsible for those estates that were being administered by CIRNAC under the *Indian Act* before the effective date of the Tłı̨chǫ Agreement.

For those cases that arise after the effective date of the Agreement, it is unclear how or whether the provisions of the *Indian Act* that address probate services continue to apply to Tłı̨chǫ Citizens and, if so, whether Canada would carry out this service. The Parties are considering this issue.

## Next Steps:

*Upon completion of the TG's internal review, the IC will renew its discussion on the issue.*

# IMPLEMENTATION FUNDING

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## Funding 2020/2021

GNWT	\$683,823
WLWB	\$2,041,149*
WRRB	\$879,569*
DRA	\$11,678
DDRA	\$0**
Cultural Coordinator	\$82,219***

## Funding 2021/2022

GNWT	\$696,633
WLWB	\$2,079,386*
WRRB	\$896,046*
DRA	\$11,895
DDRA	\$0**
Cultural Coordinator	\$83,759***

\* This amount reflects core funding; additional funding may be provided for hearings and other activities.

\*\* Funding is only provided where the position is occupied. Funding was not released in 2020/2021 or 2021/2022, as this position remained vacant during this period.

\*\*\* This sum represents each party's (TG, GNWT, and Canada) contribution, with any additional costs accruing to the TG.

# RECORDS OF DECISION SIGNED IN 2020/2021 – 2021/2022

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## 2020/2021

RoD #	Title	Date Approved
2020-02	GNWT/Board Funding and IP Extension 2020-2021	September 23, 2020
2021-01	GNWT Funding and IP Extension 2021-2022	March 10, 2021

## 2021/2022

RoD #	Title	Date Approved
2021-02	Approval of the 2019 Effectiveness Review Report	June 11, 2021