

# K'áhshq Got'ıne District

Respecting our Traditional Governance Laws:  
Self government harmonization process

*November 2018*

## Self Government in the K'áhshq Got'ıne District: Colville Update

- Behdzi Ahda” First Nation & Ayoni Keh Land Corporation are moving forward in negotiations for a self government agreement for the members of BAFN & AKLC: the Delà Got'ıne Self Government Agreement (“Delà SGA”)
- We intend to complete the negotiations in 2019 and proceed with ratification in 2020

# Self Government in the K'áhshq Got'ıne District: Colville Update

- The Delà SGA is a modular process, we expect to establish our government in three phases (called “modules”)
- The 1<sup>st</sup> module of the Delà SGA will have 15 chapters which set out the jurisdiction & authority of the Delà Got'ıne Government in the areas of:
  - Social housing
  - Justice
  - Taxation
  - Governance
  - Local services

## Self Government in the K'áhshq Got'ıne District: Colville Update

- Jurisdiction & Authority definitions in the Delà SGA:
  - “Jurisdiction” means the power to make laws
  - “Authority” means any power other than Jurisdiction

## Self Government in the K'áhshq Got'ıneᑭ District: Colville Update

- The Delà SGA will apply to members wherever they live, ie whether they live in Colville or some where else including Fort Good Hope
- The Delà SGA will apply to lands within Colville Lake and traditional territory outside of the community
- The Delà SGA will apply to residents of Colville Lake and people in the traditional territory outside of the community where Delà laws apply

## Self Government in the K'áhshq Got'ıne District: Fort Good Hope Update

- The Fort Good Hope Band Council, Yamoga Land Corporation, and the Fort Good Hope Metis Local #54 Land Corporation are jointly negotiating to create a K'áhshq Got'ıne Government in Fort Good Hope with jurisdiction over K'áhshq Got'ıne land.
- Fort Good Hope is in the early stages of negotiations, and it will not be completing an agreement for at least several more years.

## Self Government in the K'áhshq Got'ıne District: Fort Good Hope Update

- Fort Good Hope is also using a modular process, with two modules expected. This is a two-step process.
- The first step is to negotiate only a few subjects, such as governance, local services, and housing, and then create a government.
- The second step is to negotiate the remaining subjects in the future, and Fort Good Hope's government will lead the negotiations.



Why a  
harmonization  
process is  
needed

## Why a Harmonization Process?

- Both the Delà government & the K'áhshq government will continue to have the authority to pass laws for their members, residents and their lands
- Delà & K'áhshq have always communicated with one another about what laws we need, why we need them and how best to make them work

# Why a Harmonization Process?



*Photo: Brendan Gully Photography*

We now need to set out in writing the traditional governance laws that we already have and have relied on since time immemorial:

That we talk to one another before we pass laws to make sure that:

1. We are respecting one another's authority to govern, and
2. We do not create conflict or confusion for our members, residents and our land

# Why a Harmonization Process?

## Harmonization Process:

- wording in the Delà SGA that sets out in writing our traditional laws to respect the each communities right to govern themselves
- K'áhshq can use the same or similar wording in their SGA when they are ready. Right now we know Delà is at this step in the Delà SGA negotiations
- wording to make it clear that we will continue our traditional governance laws: that we will talk to one another before we pass laws to make sure that we are respecting one another's authority to govern and not create conflict for our members and our land

# Why a Harmonization Process?



- ✓ Both Delà and K'áhshq are closely related and members move freely between each community to live, work, and visit
- ✓ Will avoid creating confusion or conflict between Delà and K'áhshq
- ✓ Will ensure access to programs and services for the people of Delà and K'áhshq
- ✓ Respect Treaty 11 and the land claim agreement

## *One example:* Housing programs



- If Delà was passing a law to state that members anywhere they live, including living in Fort Good Hope are eligible for housing renovation funds
- And if Fort Good Hope also had a law to state that residents of Fort Hope are eligible for housing renovations funds
- Delà would need to talk to Fort Good Hope about how the Delà law can work with the Fort Good Hope law to ensure that the Delà member and resident of Fort Good Hope can access the housing renovation funding fairly without being caught between the two programs and be denied access for fear of “double dipping”

## *One example:* Local government services



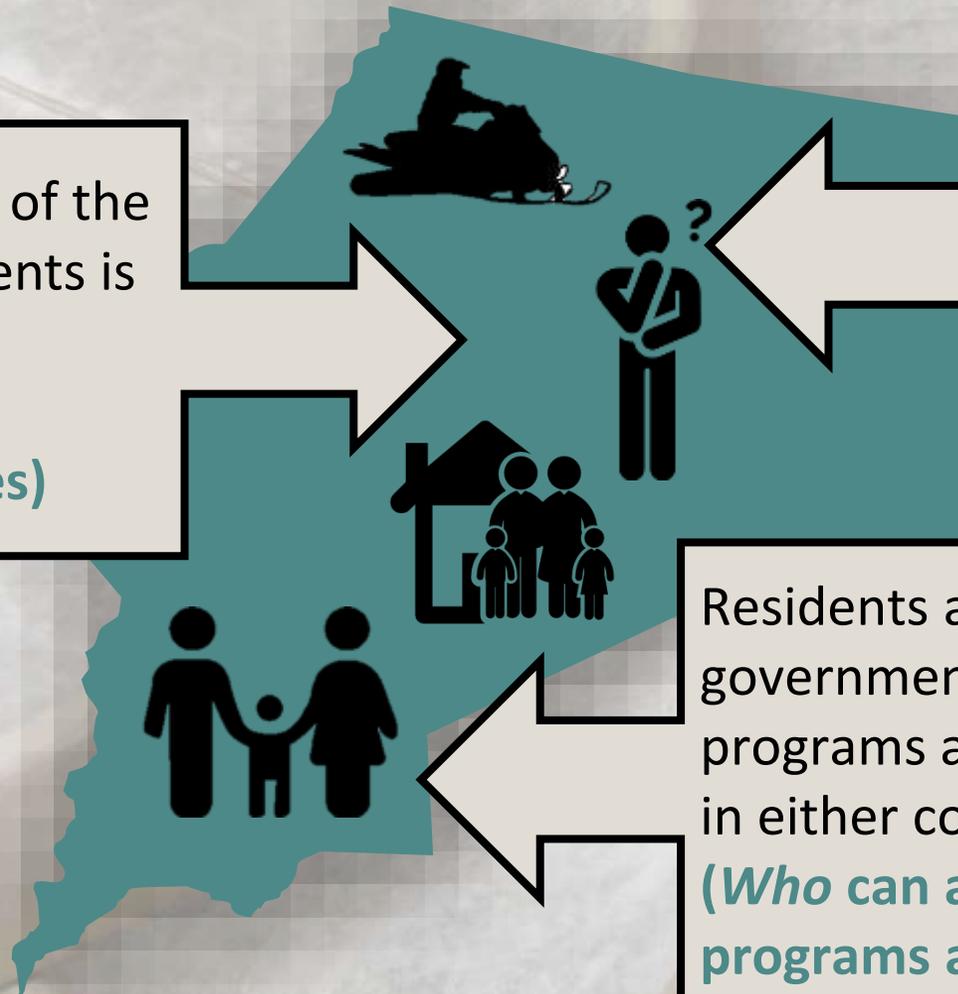
- If Delà passed a law to state that all people must wear a skidoo helmet while traveling by skidoo in the community
- And if Fort Good Hope also passed a law to state that only people under the age of 18 must wear a skidoo helmet while traveling by skidoo in the traditional territory
- Both Delà and Fort Good Hope members and residents would be confused about who has wear a helmet and where they have to wear a helmet

# A harmonization process would ensure:

The geographic extent of the laws of both governments is clear and mutually understood  
*(Where the law applies)*

The responsibility of the members of each government living in each community is clear and mutually understood  
*(Who the law applies to and in what circumstances)*

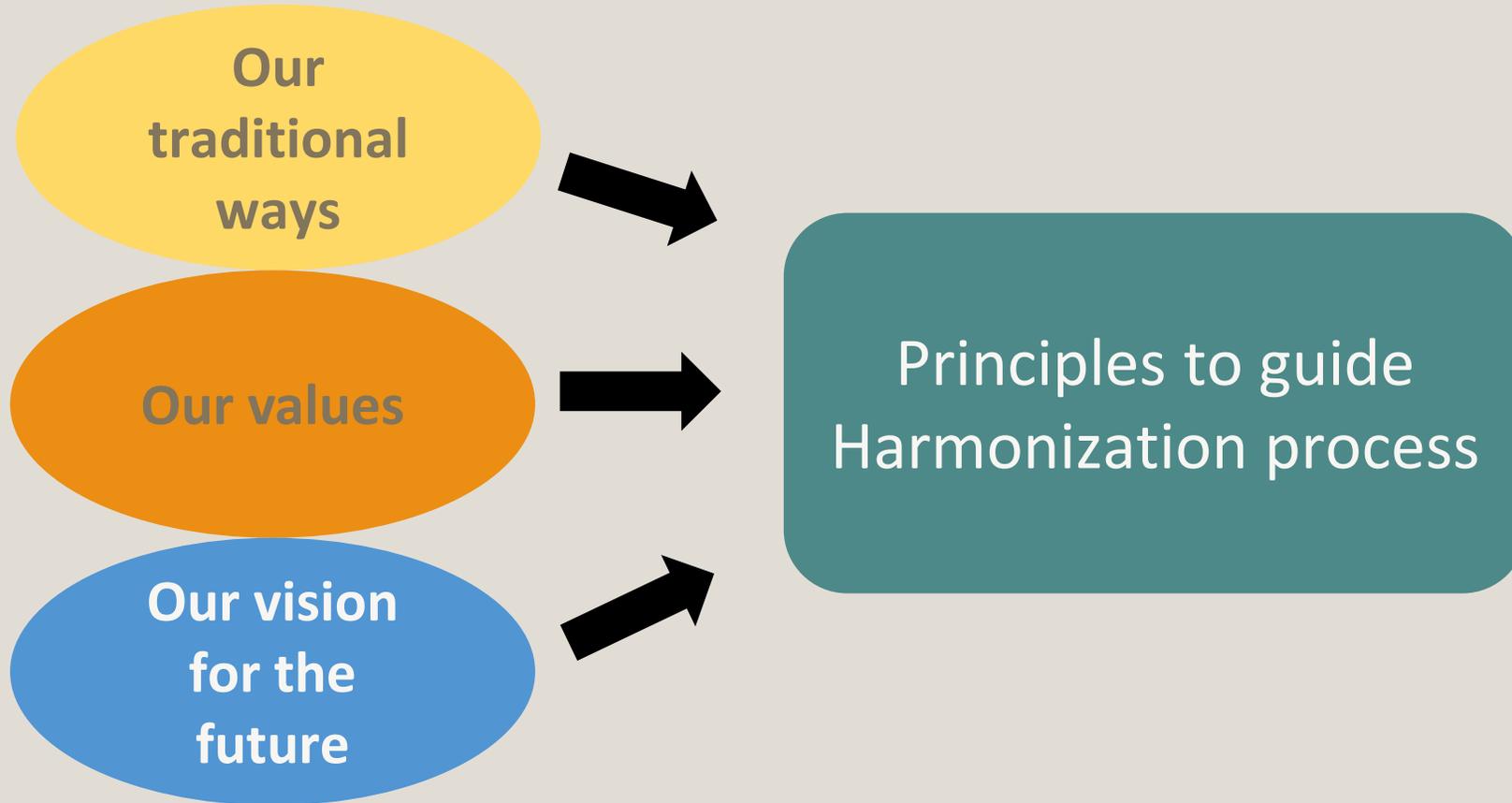
Residents and members of both governments will have access to programs and services should they reside in either community  
*(Who can access each government's programs and in what circumstances)*



## Harmonization Process vs. 'A Line'

- Harmonization process recognizes that jurisdiction issues can be complex and not addressed with a line. For example, the Delà SGA applies to members where ever they live, so a line would not help clarify that
- Harmonization process recognizes that a line on a map, does not address all the jurisdiction issues, we need to talk to one another the laws and how they may impact our people, the land and our governments
- A harmonization process allows for the governments to have different laws in the same subject area or for a government to not have a law in the same subject area

# Options for a Harmonization Process



# Harmonization Process Funding



- A clause or wording in the SGAs indicating that a Harmonization Process is necessary will allow both governments to request implementation funding from Canada to carry out the Harmonization process work

# We want to hear from you about the path forward



- How have we dealt with these kinds of situations in the past?
- How have we worked together in the past when making rules or helping people in our two communities?
- What should be the rules or protocols our governments follow when making laws that could affect people from other community?
- What kinds of situations do we need to consider?
- How would you like your negotiation teams to deal with harmonization?