

Delà Got'jne Self-Government Negotiations UPDATE



October Main Table Negotiations Report:

Delà Got'jne team pushes Canada and the GNWT to think outside the box



What is a Main Table session?

The full negotiations teams from the three parties meet about once a month by phone or in person to review progress and negotiate what will go in our agreement. Other work continues to happen in between these meetings, but the Main Table is where most of the important discussions and agreements happen.

Elder Hyacinth Kochon shares the history and wisdom of the Delà Got'jne with Canada and the GNWT's negotiators.

When:

October 3 and 4, 2018

Where:

The parties met in Yellowknife. The GNWT negotiation team hosted the meeting and Steve Iveson (the GNWT chief negotiator) chaired the meeting.

Who attended:

The Delà Got'jne team included: Joseph Kochon (Chief Negotiator), Chief Wilbert Kochon, David Codzi (Assistant Negotiator), Hyacinth Kochon (Advisor), Jennifer Duncan (Advisor), Fred John Barnaby (Councillor), Stephanie Irlbacher Fox (Governance Advisor), Roxane Poulin (Communications Advisor), Larry Innes (Legal Counsel)

The Delà Got'jne Self-Government Negotiations team works for the members of the Behdzi Ahda' First Nation and the Ayoní Keh Land Corporation. We publish regular updates on the negotiations and related activities to make sure our members know what is happening and can see how their feedback is being used.

We welcome your questions and feedback at any time.

Have questions or comments?

Stop by the BAFN office or contact David Codzi
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Sharing our truth and our vision

During the negotiations, Elder Hyacinth Kochon shared this with Canada and GNWT negotiators *(as translated by Joseph Kochon)*:

“We come from a time of the stone age and we have survived on this land for generation after generation and it’s our way of life that has been established for us to this day. That is the way we want to remain. We already have a life and we don’t want to change that. Although we have a lot of western influences today and government and others want to change us, we have a life already and we don’t want to change. It is the core of why we are here today. We have walked this earth with our legs from the stone age to today. We know everything about our area. Our way of life is respect and working within ourselves and amongst our people. Not once have we asked anyone else to live like us. We have never tried to change other people.

Today, some of us were fortunate. I grew up, my kids on the land, to carry on the traditions that our ancestors have left us. It’s not by choice, but it is our inherent right to continue to live on our land. We have lived it and walked it and used our hands to survive on it. I am getting older and I am happy that I have passed this on to our kids. My wife and I we are proud. We know we have done our job. I know my kids are going to be independent. We don’t want to live like you, we want to continue to live the way we live and enjoy living, continue to do and enjoy what we do best.

There are so many distractions for our children today. It is hard and disturbing to see all the chaos that is happening around the country and the world. Every time you turn on the television you see a disaster or someone being shot. It is hard to see as an Elder. You worry about what will happen tomorrow. Our way of life is nice and simple. It was about survival and being independent. In our simple life, we do not create chaos for ourselves.”

Some important things that happened

- **We will now have a single “rolling draft” of the draft agreement.** Canada presented its ideas for how everything that has been discussed and submitted can be tracked in one document, which the parties call a “rolling draft”. The Delà team was happy to see this and generally liked the work Canada had done. All parties provided their feedback and Canada will now be updating that “rolling draft” after every negotiation session.
- **The parties agreed to remove the word “final” from the name of our agreement.** This is important because the Delà Got’jine self-government is the beginning of a new government-to-government-to-government relationship that will continue to change over time. We are negotiating a “modular agreement” which we can add to over the years as we are ready to negotiate to take on more authorities.
- **The Delà team continues to push for the best deal possible agreement on taxation for our government and for our members.** This is a big issue for Indigenous governments across Canada. Right now, there is a national process going on to look at how Canada deals with taxation in self-government agreements. Delà staying up to date on what is happening in that process. Here are a few key points we are pushing for:
 - If we want to be more independent from other governments, our government will need to get its own tax revenues. We are requesting a share of any tax revenues Canada gives the provinces and territories, like the tax on cannabis. We are also asking for a “most favoured nation” clause in our agreement so that if Canada ever negotiates a better deal with another first nation, the same thing will apply to Delà Got’jine.
 - Taxes are also important to individuals. Our negotiating team wants to ensure that our members keep their (s.87 of the *Indian Act*) on-reserve tax status. That section of the *Indian Act* says that if Status Indians live on a reserve and are employed there, they do not pay tax. It also says that Status Indians do not pay tax on what they buy on reserves. In the past, part of the self-government agreement is that members give up this tax status over a period of time. We do not want this in our agreement.
 - The Delà team reminded Canada that we need funding to hire a specialized tax lawyer to negotiate the taxation sections of our agreement. This is currently slowing down our ability to make progress on this issue.

“We need to write the agreement based not on today but on the future. We are small today, but we will not always be like that.” – David Codzi

The next Main Table sessions are:

- a conference call on November 7, 2018
- a meeting in Ottawa on December 13-14, 2018

Some important things that happened

“The system is so rigid. We have tried to work with NWT Housing for years. They have not helped us. We have used our own money. Roofs are rotten in our community.

Inspectors came in, they filled out the paperwork and if you didn’t fit the bill, you are on your own. It’s always the same old, same old. People are getting evicted and thrown out on the streets. Elders are facing bills they can’t pay. We have an opportunity here to fix this. We know you are guideline and policy oriented. Okay, then some of these have to reflect the real-life issues. Let’s put some heart into the policies. We need to ensure we have the ability to respond to our members wherever they are.” – Joseph Kochon

- **Delà presented the election and governance model it wants, based on the traditional Got’jnes, with no moving people around.** We explained to Canada and the GNWT that members were very clear at the governance workshop in February that this is how they want elections to work. We also told the other governments that our members want to make sure we have young people represented in the government. The other parties appreciated this feedback from the community and seemed open to our ideas on this. This is a discussion that will continue over the next few months.
- **Delà made a strong statement about what we want for social housing.** This is a key part of the self-government agreement for us and we are looking for the most control possible over this area. We want our agreement to reflect what Colville is already doing and fund that properly. We made it clear to the other parties that Colville is already helping our members with housing in the community and outside, who have not gotten support or assistance from NWT Housing over the years. This is an issue will take time to negotiate.

- **Delà team is asking the GNWT to update it’s negotiation mandate.** Dela feels that many of the positions the GNWT has been putting on the table simply have not kept up with the way Indigenous-government relations have changed. For example, since 2009 the GNWT has required that all self-government agreements include a commitment to “NWT Core Principles and Objectives” – or CPOs – as a way of making sure all Indigenous governments provide a similar level of service across the NWT. The Dela team explained that we support including program standards in each of the self-government chapters but we do not agree with a blanket reference to CPOs because that gives the GNWT the ability to change those CPOs later and it could have an effect on what our Delà Got’jne Government must do. The Delà team asked the GNWT to inform their leadership that what the current mandate on CPOs will not work and instead we would like to talk about putting program standards in our agreement instead.

“We don’t have time to wait for the process to change mandates. It’s all window dressing to us. When we say government-to-government, we need to make sure it really is that.” – Chief Wilbert Kochon

- **The Lands Working Group reported that they have made good progress agreeing on a proposal for an expanded community boundary** for the self-government agreement. They have now submitted that proposed boundary to the Main Table negotiators to look at.
- **The three parties agreed to a communications plan** that will help make sure that the three parties work together to make sure members and other important audiences like governments can get accurate information about the negotiations on a regular basis.