

Self Government negotiations in the K'áhshq Got'Inę District?

– Colville Lake Update –

Who is negotiating?

Behdzi Ahda" First Nation (BAFN) and the Ayoní Keh Land Corporation (AKLC) are negotiating one self government agreement for their members. It will be called the Delà Got'Inę Self Government Agreement (Delà SGA).

What is the timeline?

Colville Lake intends to finish its negotiations by 2019 and have a ratification vote in 2020.

What is being negotiated?

The Delà SGA is a "modular process". This is a new way to negotiate self government. It will allow Colville Lake to set up its government and get a few key powers in place quickly instead of spending a long time negotiating all the powers we may want in the future before we are ready.

The Delà SGA will list powers that will be negotiated later and leave room to add subjects in future modules.

Colville Lake expects to establish its government in three phases or "modules". The 1st module of the Delà SGA will have 15 chapters which set out the jurisdiction & authority of the Delà Got'Inę Government in the areas of:

- Social housing
- Justice
- Taxation
- Governance
- Local services


DEFINITIONS

In the Delà Self Government Agreement:

- "*Jurisdiction*" means the power to make laws
- "*Authority*" means any power other than Jurisdiction

Where will the Delà SGA apply?

- The Delà SGA will apply to Delà members whether they live in Colville or some where else. This includes 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.



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– Fort Good Hope Update –

Who is negotiating?

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'Inę Government in Fort Good Hope with jurisdiction over K'áhshq Got'Inę land.

What is the timeline?

Fort Good Hope is in the early stages of negotiations, and it will not be completing an agreement for at least several more years.

What is being negotiated?

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.



Harmonization

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.

Once we have self government, both the Delà government & the K'áhshq government will continue to have the authority to pass laws for their members, residents and their lands.

Harmonization is a way of taking the traditional governance laws we already have and have relied upon since time immemorial and put them in writing so they are also part of our self government.

Harmonization means our governments agree in advance to talk to one another before they pass laws so that we make sure:

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

How it works

Delà would put wording in its Self Government Agreement that sets out in writing its traditional laws to respect each community's right to govern itself.

K'áhshq can use the same or similar wording in its agreement when it is ready.

Why we want to do it

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

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)

Why harmonization is better than a line through the district

Jurisdiction issues can be complex and cannot all be addressed with a line. For example, the Delà SGA applies to members where ever they live, so a line would not help clarify laws that apply to people.

Harmonization process will help deal with issues that a line will not. It is based on our governments continuing to talk to each other. It allows our governments to have different laws in the same subject area or for one government to have a law in an area that the other government does not and vice versa.

Funding for harmonization work

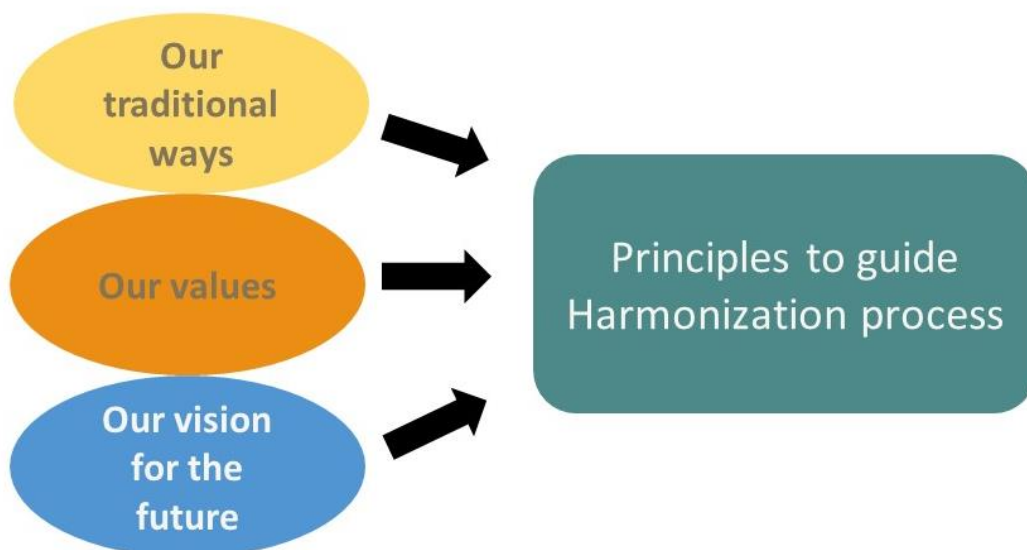
A clause or wording in the SGAs indicating that a Harmonization Process is necessary will allow both governments to request implementation funding from Canada to carry out the Harmonization process work.

Key questions

The Delà and K'áhshq negotiation teams want to hear from members about how the harmonization process can be set up to respect our traditional way of doing things, but also to work well in the future.

In order to develop a good harmonization process, we need to base it on the right principles.

Options for a Harmonization Process



Some key questions that will help us develop the best harmonization process are:

- 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?