

Dehlà Got'jne Self-Government Negotiations UPDATE

July 2020



Negotiations go “virtual” during COVID

The June Dehlà Got'jne self-government negotiations were done using an online meeting tool for the first time ever. While there were lots of logistical challenges to deal with, in the end, there were also many benefits to this approach.

One of the main advantages was that several Elders participated from the band office boardroom rather than having to travel. Translation was still provided and they were able to provide their comments as usual.

“This is a new way of meeting, but the Elders really liked it. We are adapting to change and if we are going to become a more independent government, we will need to continue to adapt,” said Chief Negotiator Joseph Kochon.

First negotiation session under new “governance only” approach with Canada

On June 24-25, the Dehlà Got'jne self-government negotiation team met with negotiators from Canada and the GNWT for the first time since December.

At that time, the Dehlà team had formally requested to change to focus on negotiations with Canada on all the subject matters that don't require the GNWT.

At the June session, the Dehlà team presented a new version of the draft agreement that contains only the parts that can be negotiated with Canada. It is our hope that this will allow us to get a basic agreement in place quickly and set up our Dehlà Got'jne Government. We can then access much more funding to run our government while we continue to negotiate additional jurisdictions with the GNWT when it has a clear mandate to implement the UN Declaration on the Rights of Indigenous People (UNDRIP) in negotiations.

The GNWT will continue to participate in the negotiations, but will not be able to stand in the way of agreements with Canada.

The Dehlà Got'jne Self-Government Negotiations team works for the members of the Behdza Ahda" First Nation and the Ayoni 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.

Members' questions and feedback are welcome.

Have questions or comments?

Stop by the BAFN office or contact David Codzi
867.709.2700 • davidcodzi@behdziahda.com

What will be negotiated

Chapters that *will still be in* the self-government agreement:

- Definitions
- General provisions
- Dehlà Got'jne Governance
- Aspects of Administration of Justice
- Taxation
- Financial principles
- Transition
- Dispute resolution
- Review and amendment
- Ratification
- Implementation
- Future negotiations

Chapters that *will not be in* this agreement and will need to be negotiated later on:

- Community Lands
- Local Services
- Housing

Dehlà has requested *other changes* to reflect the new model, for example:

- Remove all references to the GNWT's **Core Principles and Objectives (CPOs)**
- Add the idea of “**treaty federalism**” to recognize the role of treaty in our Canadian federation
- How we describe the relationship between our **Peacemaker Court** and other courts in Canada

Why we are taking this approach

1. We are an independent people. We are already self-governing. We just want this recognized and to be funded fairly for what we already do.
2. Our Elders have told us we need to find ways to keep moving forward, no matter the obstacles.
3. Canada has a mandate to implement the UN Declaration on the Rights of Indigenous People (UNDRIP) and the GNWT does not. It is pointless to try and negotiate with the GNWT until they update their mandates.
4. Once we have completed this agreement with Canada will have more funding to run our government and we will be in much a stronger position to negotiate the other jurisdictions we want, like local services and social housing.

“We want this to be done while our last Elders are still with us, so they get to see it done and we can celebrate them.”

– Chief Kochon

Under this model, the Dehlà Got'jne Government will be an **Indigenous Government**. We will only govern our own people. The GNWT will remain responsible for looking after the needs of residents who are not Dehlà Got'jne Citizens.

Questions and answers

What about a Community Lands chapter?

The GNWT has administration of “Commissioner’s Lands” including many lots within the community. The GNWT has not updated their policies for dealing with community lands since devolution, so we prefer to negotiate this with them at a later stage. In the meantime, we will try to develop an ‘interim agreement’ so that land issues within the community can be managed by the new Dehlá Got’ine Government. That agreement does not need to be part of the self-government negotiations.

Isn’t the Administration of Justice a GNWT jurisdiction? How can we negotiate that without them?

Administration of Justice is something that all governments must have some jurisdiction for. At this stage, we will be negotiating for the recognition of a Dehlá Peacemaker Council. For now, the Peacemaker Council will deal with matters that arise under Dehlá Got’ine laws and matters that are currently dealt with by the Community Justice Committee. It will not be involved in the enforcement of federal or territorial laws at this stage. The GNWT will participate in discussions about how decisions of the Peacemaker Council will be recognized by the NWT Courts and by the Federal Courts.

Is this really worth doing? What is the point of having a government if we have so few authorities?

With the economic impacts of COVID being felt in all communities across Canada, it has never been more important for us to get money flowing into the community. Self-government will provide the Dehlá Got’ine Government with much more funding to stabilize the local government and help kickstart the local economy. It will also put us at the same tables as other self-governing first nations, which opens new doors and new funding opportunities.

How long will it be before we have an agreement in place?

This is not entirely within our control, but we have told Canada we think this agreement can be negotiated within one year and ready to implement by 2022. We will push hard to meet this timeline.

“Many of us have sacrificed most of our lives for our community and these negotiations and we are again adapting to change. That is what it takes to provide leadership.

Just because we have downsized the negotiations, it doesn’t mean we have abandoned those other things. We will establish a recognized government and then we will take on more later.”

– Joseph Kochon

Have other questions?

Send us an email at dehlaselfgov@gmail.com

Go to the “Contact Us” section on our website at www.dehlaselfgovernment.ca