

# Gwich'in Self-Government

July 2017

## FREQUENTLY ASKED QUESTIONS

### WHY ARE WE NEGOTIATING FOR GWICH'IN SELF-GOVERNMENT?

The Gwich'in have a right to self-government included in the Gwich'in Comprehensive Land Claim Agreement. Self-government will give the Gwich'in more control over the decisions that affect us every day, such as how government money is spent in our communities and how local programs and services are delivered. It will allow us to do these things in a way that is truly meant for our people, all while retaining our constitutional and Indigenous rights.

The Gwich'in Tribal Council (GTC), Government of Canada (Canada) and the Government of the Northwest Territories (GNWT) are negotiating the Gwich'in Self-Government Agreement, which will be a way to make self-government happen.

The *Indian Act* created band councils within our communities that limit our powers and do not necessarily reflect the traditional ways that the Gwich'in organized ourselves. Later, the Gwich'in Comprehensive Land Claim Agreement created the GTC and Designated Gwich'in Organizations (DGOs). Self-government would simplify our governance structure while giving us the ability to take on more powers for ourselves. It would allow us to create new governments at the community level that would take on the responsibilities of the Indian Act Band Councils and DGOs. It would also allow us to replace the GTC with a new regional Gwich'in government that could take on even more responsibilities and powers. All of this will give the Gwich'in the power and control to govern ourselves in manners that more closely resemble traditional ways.

### HOW DO WE GET SELF-GOVERNMENT?

The first step is to reach an agreement-in-principle (AIP) which will serve as a roadmap for final negotiations, but it is not a legally binding agreement.

A full draft AIP was finalized in April 2016 and the parties agreed to do consultation on that draft throughout 2016 and into 2017. The draft AIP lays out all the items that the GTC, Canada and the GNWT will negotiate further in a final self-government agreement in the coming years. When all three parties have approved and signed this AIP, they will negotiate a final agreement, which will be legally binding and enforceable in a court of law. When the final agreement is ready, eligible Gwich'in voters will have the opportunity to approve it through a vote. If the vote passes, Canada and the GNWT will approve the agreement through legislation. The process from AIP to self-government is expected to take a few years.

### WHO WOULD BE AFFECTED BY GWICH'IN SELF-GOVERNMENT?

Gwich'in self-government would apply to Gwich'in who are enrolled in the Gwich'in Comprehensive Land Claim Agreement (known as Gwich'in Participants) and living in Inuvik, Aklavik, Tsiigehtchic or Fort McPherson. These people will be entitled to receive many essential programs and services from the Gwich'in governments. Self-government will also apply to the management of Gwich'in lands.

Neighbouring Indigenous groups may be indirectly affected by Gwich'in self-government. Canada and the GNWT consulted with these groups during the AIP stage and will continue consultations in the draft final agreement stage. The self-government agreement will provide a basis for formal cooperation between the Gwich'in and the Inuvialuit for the purposes of program and service delivery.

### WOULD SELF-GOVERNMENT CHANGE OUR TREATY OR LAND CLAIM?

No. Self-government will not change the rights and benefits the Gwich'in have under Treaty 11 and Chapter 3 of the Gwich'in Comprehensive Land Claim. Instead, self-government builds on those rights by giving the Gwich'in the ability to make laws and take over programs and services within the Gwich'in Settlement Area. Gwich'in Participants can continue to receive land claim benefits no matter where they live. Treaty and land claim rights will remain strong and constitutionally protected.

### HOW WOULD SELF-GOVERNMENT AFFECT GWICH'IN LIVING OUTSIDE THE GWICH'IN SETTLEMENT AREA?

Gwich'in living outside the Gwich'in Settlement Area (GSA) will still be able to receive programs and services from the federal, territorial or provincial governments where they live. Also, some self-government programs will benefit Gwich'in living outside the GSA. One example might be post-secondary education benefits.

### HOW WILL THE GWICH'IN SELF-GOVERNMENTS BE STRUCTURED? WHAT WILL HAPPEN TO THE DESIGNATED GWICH'IN ORGANIZATIONS AND THE INDIAN ACT BAND COUNCILS?

There will be a regional government for the entire Gwich'in Settlement Area, which will take on the responsibilities of the Gwich'in Tribal Council. There will also be a community Gwich'in government in each of the four Gwich'in communities: Inuvik, Aklavik, Fort McPherson and Tsiigehtchic. These community

governments will replace the current Designated Gwich'in Organizations and Indian Act Band Councils, and take on their responsibilities. They will also take on additional powers and responsibilities. The new community governments can call their leadership chiefs and councils, and the new governments will be able to do more—and do it more efficiently and effectively—than can be done under the current structure. There will be only one Gwich'in government in each community.

### **HOW WOULD SELF-GOVERNMENT AFFECT MUNICIPAL, TERRITORIAL AND FEDERAL PROGRAMS AND SERVICES?**

All residents of the NWT are entitled to essential programs and services no matter where they live in the territory. Self-government would give the Gwich'in the ability to take on responsibility for delivering some of the programs and services currently delivered by the GNWT or by Canada. Some of these programs and services include education, income support and child and family services.

The GNWT will continue to deliver some programs and services, such as administering hospital services, and building and maintaining highways and ferries. Municipal governments will continue to deliver local services in Fort McPherson, Inuvik, Aklavik and Tsiigehtchic; however there is opportunity for Gwich'in Community governments to work closely with the municipal governments in the four communities.

### **WILL THE GWICH'IN GOVERNMENTS HAVE TO DO EVERYTHING AT ONCE?**

No. The Gwich'in governments will be able to take on new responsibilities only when they are ready to do so. When self-government comes into effect, the Gwich'in governments will be responsible for their own administration, and will take on the responsibilities of the Gwich'in Tribal Council, the Designated Gwich'in Organizations and the Indian Act Band Councils within the Gwich'in Settlement Area. As time goes on and their capacities increase, they can take on more responsibilities as they decide.

### **WILL I STILL BE ABLE TO GET FREE DENTAL CARE, PRESCRIPTION MEDICATION AND PRESCRIPTION GLASSES?**

Yes. If you are eligible to register as a status Indian under the *Indian Act*, you can still register after self-government is in place. This means that you will still qualify for non-insured health benefits provided by government for status Indians, like dental care, prescription medication and prescription glasses benefits.

### **WILL MÉTIS HEALTH BENEFITS BE AFFECTED?**

No. The final self-government agreement will have no impact on Métis Health Benefits and will not change eligibility and enrollment requirements for Métis Health Benefits. More information on Métis Health Benefits can be found here: <http://www.hss.gov.nt.ca/en/services/supplementary-health-benefits/metis-health-benefits>.

### **WILL WE STILL BE STATUS INDIANS?**

Yes. Anyone who qualifies to be a status Indian will still be registered under the *Indian Act*.

### **HOW WILL GWICH'IN SELF-GOVERNMENT AFFECT MÉTIS?**

Both status Indians and Métis who are enrolled under the Gwich'in Comprehensive Land Claim Agreement will be represented in the future Gwich'in governments.

### **HOW WILL SELF-GOVERNMENT BE FUNDED?**

The regional Gwich'in government, Canada and the GNWT will negotiate financial agreements that will support the final self-government agreement. Canada has federal policy for financing Indigenous governments that it will use as a guide, and the Gwich'in will enjoy any changes that flow from revisions to this policy that are likely to emerge in the future.

Under these financial agreements, Canada will share its tax revenues with the Gwich'in governments. Most of the personal income taxes and GST that you pay while living in the Gwich'in Settlement Area will be transferred back to the Gwich'in governments. This will mean that all Gwich'in governments will have a long-term, predictable source of revenue to provide programs and services. It also means that Gwich'in tax dollars will be used to benefit Gwich'in themselves.

### **WILL SELF-GOVERNMENT AFFECT THE STATUS OF HAMLETS OR CHARTER COMMUNITIES IN THE GWICH'IN SETTLEMENT AREA?**

No, self-government will not affect the status of town, hamlet or charter communities in the Gwich'in Settlement Area.

### **WHY IS SELF-GOVERNMENT STILL BEING NEGOTIATED?**

The Gwich'in Comprehensive Land Claim Agreement, established between the Gwich'in and Canada in 1992, includes a section on negotiating self-government. However, Canada was not prepared to begin negotiations until after 1995.

In 1996, the Gwich'in and Inuvialuit began negotiating a joint self-government agreement. An agreement-in-principle was reached in 2003, but the Gwich'in decided it was in our best interest to pursue separate self-government options.

In 2006, the GTC began negotiating a new self-government agreement on behalf of the Gwich'in. Self-government negotiations are complex and often take many years, so a new draft agreement-in-principle was not completed until 2016 followed by consultations. Negotiations are now ongoing to finalize and sign the agreement-in-principle. The next stage would be a draft final agreement, which will likely take several years.

OTT\_LAW\ 7616859\1