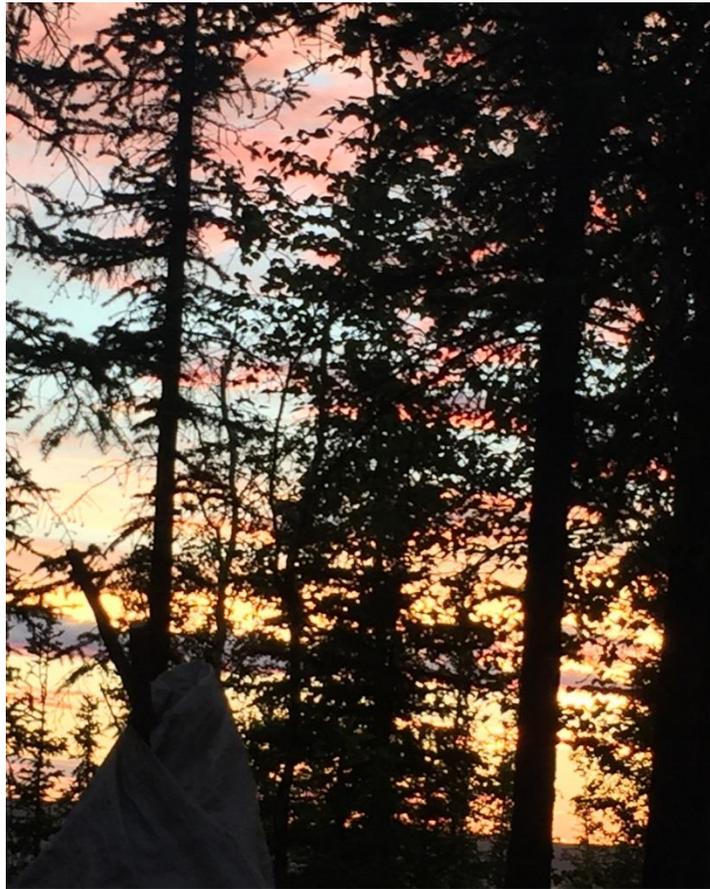


CONSULTATION REPORT OF THE DRAFT GWICH'IN SELF-GOVERNMENT AGREEMENT IN PRINCIPLE



3/31/2017

Questions and comments received from
Gwich'in Participants and Staff from October
2016 to March 2017.

Consultation Report of the Draft Gwich'in Self-Government Agreement in Principle

QUESTIONS AND COMMENTS RECEIVED FROM GWICH'IN PARTICIPANTS AND STAFF FROM OCTOBER 2016 TO MARCH 2017.

INTRODUCTION:



What is Self-government?

Self-government is an inherent right of the Gwich'in to govern their own affairs and administer their own programs and services. The right to negotiate self-government is found in chapter 5 and Appendix B of the GCLCA. A *Process and Schedule Agreement* was signed on March 23, 2007 in Inuvik by the Gwich'in, on June 4, 2007 by the GNWT and on July 20, 2007 by the Government of Canada.

Who is involved?

The self-government negotiations are between the GNWT, Canada and the GTC. Instead of using a Chief Negotiator, the Gwich'in decided to use a Team Approach in 2012. So, the six Team Members include: one representative from each GSA community (4), a Chief's representative (1) and the Vice-President of the GTC (1).

What is an AIP?

An AIP, or **Agreement in Principle**, is a non-legally binding agreement between the GNWT, Canada and the Gwich'in. The AIP sets out the basic structure, or skeleton, of the Gwich'in self-government agreement.

How does it happen?

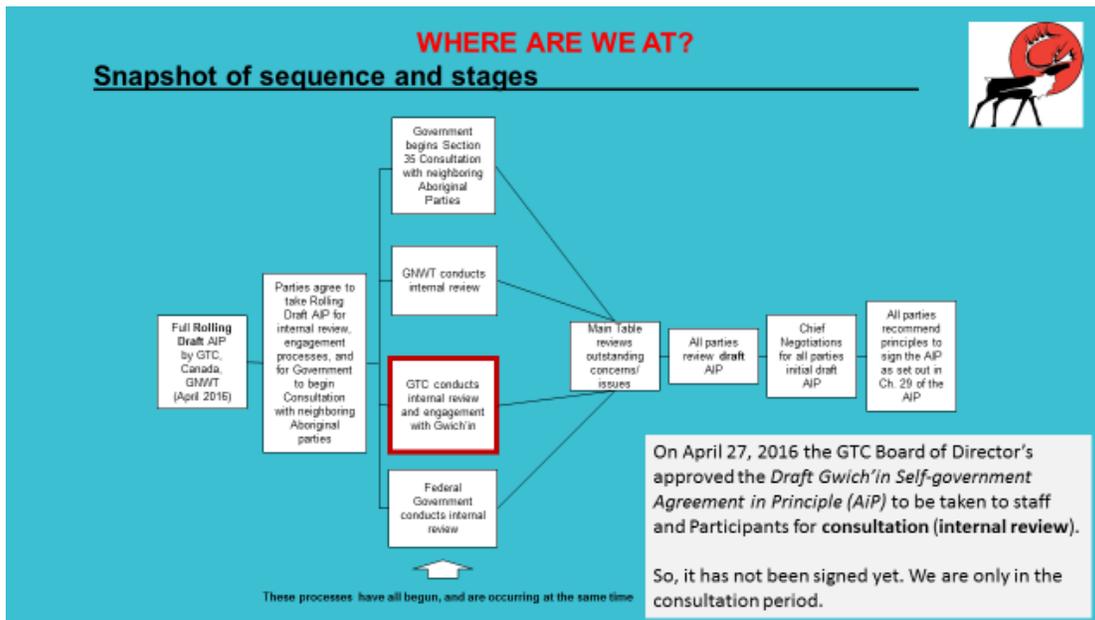
Only when a majority of Gwich'in vote in favour of an agreement will self-government become a reality in the Gwich'in Settlement Area. First, the agreement will need to be approved by Canada, the GNWT and the GTC negotiators. Back in 2012, the Team Members developed a 3-7-10 Plan that would go into effect once negotiations started which basically stated they would achieve an AIP in 3 years, a final agreement in 7 years and then effective date in 10 years (see diagram on previous page depicting this timeline). First, in 2012, the Team got together and developed a position paper (draft AIP) that was presented to the Government of Canada and the GNWT as a basis to begin negotiations. The governments reviewed the document and negotiations began in 2013. On April 11, 2016, an Agreement in Principle was achieved.

What's at stake?

Once approved, a self-government agreement will set-up community governments in Aklavik, Inuvik, Tsiigehtchic and Fort McPherson, as well as a Gwich'in Regional Government. As part of the deal, the Gwich'in will take over powers like education, social housing and custom adoption.

CONSULTATION ACTIVITIES

On April 27, 2016 the AIP was approved by the GTC BOD's to be taken to Participants and staff members for consultation. Since then, all governments have been involved in the consultation process (see diagram below of where we are at).



The GTC, along with the Government of Canada and the GNWT, conducted community visits to discuss the roles and responsibilities of the various organizations in the communities i.e. GTC, Bands & DGO's. Community visits took place on the following dates:

October 24: Tsiigehtchic

October 25: Fort McPherson

October 26: Aklavik

October 27: Inuvik

The GTC also organized community meetings to consult on the draft Agreement in Principle, not just with DGO Directors but community Participants as well. The communities and dates are listed below.

Inuvik:

1. October 19-22 (NGC-Inuvik) – Alex Moses-Greenland Building:
 - October 19th – 6-9:00 pm: DGO Directors Wednesday evening (6-9 pm) soup & bannock (4 GTC staff & NGC President & Directors)
 - October 20 & 21 - 8:30 am-5:00 pm working hours: Diane was available in the NGC office for Staff & Participants Thurs & Fri; and
 - October 22nd – noon-5:00 pm: a public meeting for Participants started at noon with lunch (soup & bannock). Just staff attended.
2. February 18 & 19: funds were provided to the NGC to do their own internal review with a facilitator. Report received.
3. Household visits: to be conducted over the spring and summer.

Fort McPherson:

1. November 2-5 (TGC-Fort McPherson) – The Lodge:
 - November 2: a meeting with DGO President & Directors Wednesday evening (6-9:00 pm at the DGO Office).
 - November 3 & 4: GTC Staff were available in the office for DGO Staff & Participants Thursday's & Friday's. Diane and Eleanor also went on the radio with Mary Teya to provide the information to Participants.
 - November 5: public meeting for Participants on Saturday (noon-5:00 pm at the Lodge) Soup & Bannock served.
2. Household visits: February-March 2017, household visits were conducted in the community to provide the information to Participants. To be continued over the summer.

Aklavik:

1. November 16-19 (EGC Office Aklavik):
 - November 16: a meeting with DGO President & Directors Wednesday evening (6-9:00 pm at the DGO Office).
 - November 17 & 18: GTC Staff were available in the office for DGO Staff & Participants Thursday's & Friday's.
 - November 19: public meeting for Participants on Saturday (noon-2:00 pm) Soup & Bannock served.
2. Household visits: February-March 2017, household visits (30) were conducted in the community to provide the information to Participants by Eugene Pascal.

SUMMARY OF KEY CONCERNS & QUESTIONS

The following questions and comments were what was received from Participant and Staff consultations within and outside the GSA from October 2016 to March 2017:

QUESTIONS:

- Q. Once agreement is finalized, how is the money allocated to each community? Would it be based on participants per community?
- Q. Before the agreement, many people would rather do training at home rather than going outside of the community. Q. What would the GTC do in training to help train participants so that they would be prepared for Self-Government?
- Q. Define Dinjii Zhuu Government, no one knows where this government came from
- Q. Need more information on Treaty 11.
- Q. One person would like to know as a community are we able to go on self-government on our own
- Q. Need more information on the Yukon Lands, clarify where we are at.
- Q. Will beneficiaries living outside the GSA receive any type of post-secondary educational support?
- Q. Will the Gwich'in living outside the settlement area lose their Section 87 tax exemption?
- Q. Can an individual beneficiary "opt out of the agreement" and remain a Gwich'in Citizen?
- Q. Why was a five year term selected between elections? It seems like a long term especially if people are not happy with the elected representatives?
- Q. I did not see it addressed specifically in the package but where does the protection of the inherent right of the Gwich'in fall for hunting and fishing?
- Q. After watching and reading the news of the last few weeks/months regarding the Peel Watershed issue of Protection, is this addressed somewhere specifically within this new agreement? I do see water protection consultation but will this government have the power or more power than current to help negotiate with the territorial and federal government to the use & protection of this watershed?
- Q. Also on the same note how does this new self-government better protect the resource and mineral rights, land use than current?
- Q. Will there be specific fish and wildlife protection that up holds with the territorial government under this new agreement?
- Q. Chapter 16: Treatment facilities: Will this include traditional healing camps?
- Q. 10.1.1 (b): why are leaders to be certified?

COMMENTS:

"I was glad to see Adoption of Gwich'in children was address after seeing the news stories out of Newfoundland and Labrador regarding adoptee children or foster children being separated from their families and sent all over Canada. Addressing these types of issues helps protect the future of the culture and the rights of these children."

"Let people know this won't happen all at once. We will only take on responsibilities as we are ready."

"Encourage people to keep getting their education. Tell them to ask what jobs they should be ready for."

"Do school visits in the communities to educate the youth."

“As each chapter is completed, maybe review with the communities. Participant stated this should have been what the representative is responsible for so maybe make their position more clearly by making a job description for the community representative.”

“Participant stated that in the past, programs have been devolved to communities with inadequate funding, make sure this does not happen under self-government.”

“Participant likes the use of the radio to communicate the information. Keep doing this. Use traditional door prizes to attract people to attend meetings i.e. tents, gas, chain saws, axe, etc.”

“Print off FAQ’s in larger font.”

16.2.1 change to ‘shall’

16.2.2 ‘may’ s/b ‘shall’

“Chapter 34: appointment on boards s/b be included”

“Chapter 18: need to be involved outside of the GSA”

“Include a slide that clearly explains law vs program/service”

“Include an area in each office (community) for people to come and review and be able to ask questions.”

“Have live sessions on Facebook.”

“A CD should have been included with the packages as some people are not able to read.”

“We should hold off and worry about implementing the land claim.”

“Looks good to me, you have me and my families support.”

“Chief’s should be involved in the negotiations.”

RESPONSES TO KEY CONCERNS & QUESTIONS

- Q. Once agreement is finalized, how is the money allocated to each community? Would it be based on participants per community?
- A. That is to be determined during the final negotiation phase as fiscal matters have not yet been discussed.
- Q. Before the agreement, many people would rather do training at home rather than going outside of the community. Q. What would the GTC do in training to help train participants so that they would be prepared for Self-Government?
- A. What kind of training are they referring to? Is there a specific program? Back in 2013, motion #13 was passed to state that:
“.....the Annual General Assembly directs the Gwich'in Tribal Council Self-government Negotiation Team to complete a draft proposal of a 10 Year Self-government Human Resources Strategy, which will include: details on possible mentoring and internship opportunities; a proposal for introducing Gwich'in curriculum into the public school system; and other components, for approval at the 2014 Annual General Assembly.”
An HR Strategy was completed and approved by the federal government and we received funding for the internship program, yearly university tours and funding was received and a curriculum implanted in the schools to educate our youth.
- Q. Define Dinjii Zhuu Government, no one knows where this government came from
- A. This term came from the community consultations back in 2012 whereby the AGA directed the GTC SG Negotiation Team to develop a draft constitution and communicate its work to the four GSA communities and to those outside the GSA. All communities were involved and this was approved at the 2013 AGA. Prior to its approval at the AGA, a workshop was held in Inuvik where the terms were translated into Gwich'in in July 2013 with the Elders from each of the four communities (along with members of Culture & Heritage Department – formerly GSCI). This is where the term was also developed *“‘YI'EENOODAI' YEENDOO GWIZHIT GWITEE'AH - ‘LONG AGO WILL BE IN THE FUTURE’.*
Dinjii Zhuh Government
Gwich'in Eenjit Iisrits'at Chit Kat
Top leaders of the Gwich'in.
- Q. Need more information on Treaty 11.
- A. Like what? We've have given out the powerpoint presentations on the roles and responsibilities and the questions and answers deals with some of the treaty questions so are there other specific questions they may have? So we can answer appropriately.
- Q. One person would like to know as a community are we able to go on self-government on our own
- A. Yes. However, the Gwich'in signed a process and schedule agreement in 2007 that the Gwich'in negotiate an agreement for all Gwich'in on a regional basis as opposed to community by community after consultations with its community members from 2009-2011. This was reaffirmed from 2011 – 2016.

- Q. Need more information on the Yukon Lands, clarify where we are at.
- A. To be negotiated in the final agreement phase. The AGA passed a motion in 2008 (#11) to include the lands in the Yukon under our self-government. Reason being is that prior to contact, we never had borders and these 'borders' were imposed upon our people.
- Q. Will beneficiaries living outside the GSA receive any type of post-secondary educational support?
- A. The funding you currently receive for educational support will not be affected.
- Q. Will the Gwich'in living outside the settlement area lose their Section 87 tax exemption?
- A. It is an active point of negotiation that the Gwich'in Self-Government Team will approach forcefully in the next round, but that is what the federal government is pushing and has been stalwart on it by offering three different options that all phase out the tax exemption in the future. This is the same across all settled self-government agreements and, if we accept, the Gwich'in would get at least 'as good as' other settled agreements. Keep in mind that, here in the GSA, we are not a reserve so we pay these taxes anyways. It will also be negotiated that those taxes paid in the GSA, a certain percentage, will come back to the Gwich'in so it is to our benefit to pay these taxes and then get a majority back to the organization.
- Q. Can an individual beneficiary "opt out of the agreement" and remain a Gwich'in Citizen?
- A. All Gwich'in Participants who are currently registered will have the option of voting on the agreement. If it passes, then you can decide whether you want to remain a Gwich'in or not. So, basically, if you choose to opt out, that is your choice but know that you will no longer be a Participant if you opt out of being a citizen.
- Q. Why was a five year term selected between elections? It seems like a long term especially if people are not happy with the elected representatives?
- A. A five year term is not selected but that is the maximum for a term should the Gwich'in decide to set the terms for office. (see 5.1.2)
- Q. I did not see it addressed specifically in the package but where does the protection of the inherent right of the Gwich'in fall for hunting and fishing?
- A. The hunting and fishing rights are defined in the GCLCA and is not changed within the self-government agreement. The self-government agreement is just the right of the Gwich'in to govern themselves and does not affect what has already been attained through the GCLCA.
- Q. After watching and reading the news of the last few weeks/months regarding the Peel Watershed issue of Protection, is this addressed somewhere specifically within this new agreement? I do see water protection consultation but will this government have the power or more power than current to help negotiate with the territorial and federal government to the use & protection of this watershed?
- A. As above, rules are laid out in the Land Use Plan as per the GCLCA.
- Q. Also on the same note how does this new self-government better protect the resource and mineral rights, land use than current?
- A. As above, rules are laid out in the Land Use Plan as per the GCLCA.

Q. Will there be specific fish and wildlife protection that up holds with the territorial government under this new agreement?

A. As above, fish and wildlife protection are defined and upheld through the GCLCA.

Q. Chapter 16: Treatment facilities: Will this include traditional healing camps?

A. It can. See 16.1.1 (d).

Q. 10.1.1 (b): why are leaders to be certified?

A. Canada and GNWT have agreed to delete the reference to “certification of leaders”.

Nihtat Gwich'in Council (NGC) Consultation Questions Draft Gwich'in Self-Government Agreement-in-Principle (AIP) Consultation Report

Q. 1 Is it possible for the Gwich'in Tribal Council (GTC) to conduct community based visioning, priorities and how self-government would work in practice prior to the signing of an AIP?

A. Yes, GTC can conduct sessions in each of the Gwich'in communities of Tsiigehtchic, Fort McPherson, Inuvik and Aklavik with Gwich'in Participants, Designated Gwich'in Organizations (DGOs), and *Indian Act* Band Councils to further develop how Gwich'in want their community government to be structured and the jurisdiction/authority.

Q. 2 What is the relationship of Dinjii Zhuu Government (DZG) regional government and the community governments?

A. The AIP currently has general statements on the regional and community Gwich'in Governance structures with a section on delegation of authority from DZG to community governments. This relationship will be further defined through consultations with the communities. The communities have to decide what their structures will be and what jurisdiction/authorities they want to take on.

Q. 3 What jurisdictions a community government would have on effective date, post-effective date, and the regional mechanisms for how our governments will work together, including law making delegation agreements?

A. The AIP does not go into community jurisdictions in any detail. We anticipate that additional community jurisdictions will be described in the Final Agreement after there have been extensive discussions at the community level as to the jurisdictions that the community will take on either on the Effective Date or later by delegation from the DZG.

There is an opportunity to enter into Intergovernmental Service Agreements with the Government of the Northwest Territories (GNWT) and other Aboriginal groups pre-effective date to manage, administer and deliver programs and services under the self-government agreement.

Q. 4 Is there an opportunity to identify specific law making and other authorities, and priority programs and services expected to be provided at the community level?

- A. Yes. The AIP is meant to outline the jurisdiction at the regional and community level; however, if communities want to ensure adequate wording in the AIP the process allows for any changes up until the Final Self Government Agreement stage.

The self-government (SG) negotiation process is an inclusive approach meaning that Gwich'in at all levels have been involved in developing the AIP and it is with this involvement and expressed views that we can achieve the best self-government agreement for Gwich'in.

- Q. 5 Can GTC reconsider its approach to the resources dedicated to the negotiation team?

- A. The Gwich'in Self-Government negotiations is funded by the Federal Government based on their formula funding arrangements. GTC receives the approved funding and budgets according to the needs of the SG process which in the past has included staff requirements, team member costs, main table negotiations, and consultation/engagement session in the Gwich'in communities as well as in Whitehorse, Yellowknife, and Edmonton. Gwich'in have always stated that we cannot use our own funding to negotiate SG.

GTC is open to suggestion on how to improve the negotiations but also follows the direction from the Annual General Assembly. In 2016, the AGA directed GTC to review the team approach and report back at the 2017 AGA.

- Q. 6 In regards to AIP section 2.3.2, how would the Gwich'in trigger a discussion with Canada on future rights and whether Canada's obligation to negotiate under the land claim includes future self-government rights?

- A. We have agreed with Canada to discuss this issue after the AIP and before Final Agreement.

- Q. 7 AIP 3.4, what is the intent of AIP section 3.4 Pre-initially date negotiations? And what is the role of Gwich'in Community Governments in either the discussions or a possible institution or agency?

- A. We have asked this question of the GNWT and they have advised that they have no specific proposals to make at this time. This clause simply leaves open the possibility of developing cooperative arrangements with the GNWT prior to the implementation of self-government. Communities will be directly involved because many programs are best handled at a community level.

- Q. 8 AIP 4.2, will the negotiation team engage Gwich'in in the development of the Gwich'in Constitution? Must the Constitution be consistent with the AIP?

- A. The Constitution will have to be developed and approved by the Gwich'in prior to the Final Agreement. This work will not be completed until the relationship between the communities and the DZG has been worked out through further community consultations. The Constitution is a Gwich'in document which does not require approval from Canada or the GNWT. However, the Constitution must be consistent with the Final Agreement. Prior to 2012, the Gwich'in developed five constitutions (1 Regional and 4 Community), in 2012 the Gwich'in leadership, Indian Act Chiefs, and elders and youth, met to review the status of SG negotiations. At this time, the recommendation from the meeting was to further recommend to the AGA that the team approach include the GTC Vice President, 1 representative from each of the four DGOs, and 1 Chief's representative for the four Indian Act Bands, along with combining all 5 constitutions into 1 Gwich'in constitution but not losing sight of the content of community/regional constitutions.

In 2013, the AGA approved the first draft of a Gwich'in Constitution with direction to further develop and present future drafts. There has been no update to the Gwich'in Constitution; however the 2016 AGA directed GTC to update the constitution and report back.

Q. 9 AIP 4.3, will the community government representation on the DZG be based on population? What is the mechanism to ensure community governments' ability to be responsive to circumstances and different levels of resourcing of government operations?

A. AIP section 4.3 provides for the minimum requirement for the DZG. The DZG representation will be finalized after further community discussions and approval by the AGA.

The 2013 draft Gwich'in Constitution provides for equal representation from the four community governments which is similar to the current Gwich'in Government of the GTC Board of Directors; however Gwich'in through consultation, visioning sessions, and direction will determine the representation at the regional level.

It is recognized that there are differences in each community, e.g. population, program and services, etc. which will be determined with funding allocations outlined and agreed upon by the AGA.

Q. 10 AIP 4.4, why should the list of jurisdictions rest with the DZG and no list for community governments? How is the AIP model of delegation any different that the Gwich'in Comprehensive Land Claim Agreement which prevented DGOs from exercising more authority?

A. The Final Agreement will contain a more detailed list of community government powers. The AIP is meant to be a framework of the self-government agreement. If the preference is to list regional and community jurisdiction within section 4.4 then changes can be made.

The AIP is a work in progress, this is the negotiation team's presentation on what they have been able to achieve at the negotiation table with the federal and territorial governments. If Gwich'in want to add, change, and delete from the AIP there is opportunity to do so. We want the best agreement for Gwich'in and the community/regional governments that will be implementing the final SG agreement. We are not looking to repeat things that do not or have not worked, but to setup governments to effectively provide programs and services for Gwich'in.

Q.11 AIP 4.7, why does the AIP not require the DZG to base any withdrawals of law making delegation from the community government on legitimate and specific requirements?

A. 4.7 permits the regional DZG government to delegate power to a community government (or to another body). If this happens, the community government will have to agree with the delegation. 4.7 merely describes the process to be followed. Community governments can also delegate a power to the regional government if there is a need for this. This clause was recently redrafted at the Main Table to allow for more flexibility. It is difficult to anticipate the criteria for any particular delegation. The important thing is that the communities will have to agree on any delegation.

Q.12 AIP 5.2, Why are there inconsistencies between the AIP and the Constitution for the entitlement to vote?

A. The draft Gwich'in Constitution has not been updated since 2013; therefore the AIP and draft Gwich'in Constitution will have inconsistencies until updated by the negotiation team. The draft Gwich'in Constitution has not been made public and was not anticipated to be reviewed during the AIP consultations; however further work is required and a final constitution would need to be ratified by Gwich'in prior to a final self-government agreement.

Q.13 AIP Settlement Lands 7.1.1 (c), can this be re-written to be clearly understood?

A. Yes. Canada has agreed to redraft this clause to make it clearer and this will be considered further at the main negotiation table.

Q.14 AIP 15.1, if the Gwich'in Self Government agreement contains a justice council function, can landlord and tenant relations be included in the jurisdiction of DZG?

A. We have asked the GNWT to explain the need to refer to landlord and tenant relations in 15.1.2. Under the AIP, the GNWT has general responsibility with respect to landlord and tenant relations. However, it might be possible to negotiate a special jurisdiction for the Dinji Zhuu Government with respect to landlord and tenant relations on Gwich'in lands if the Gwich'in wish to have such a jurisdiction. If a Justice Council function was to be included in the Gwich'in Self-Government Agreement, there could be a role for the Justice Council in resolving landlord and tenant disputes. This question needs further discussion internally and at the Main Table.

Q.15 AIP Chapter 28 Financial Relations, What will be the internal financial relationship between DZG and community governments? Will the community governments have direct financial relationship with Canada and GNWT?

A. The internal financial arrangement is an internal matter to be determined by Gwich'in and not the AIP.

The next stage in negotiations after the signing of an AIP is the financial negotiations between Gwich'in, Canada and GNWT which will outline the funding of SG. The SG financial laws will determine how DZG and community governments will be funded.

Gwich'in have always stated that if SG is not feasible (affordable) we are not willing to agree to SG for Gwich'in. We cannot afford to take on programs and services with inadequate funding.

Q.16 Why is it that the approval of the AIP requires only that the GTC Board of Directors approve and not a unanimous support of all communities?

A. The minimum requirement to approve the AIP is a GTC Board of Directors (BODs) motion, each community DGO has two representatives appointed to the BODs. The Gwich'in Annual General Assembly, consisting of representative of all four DGOs and members, has been providing direction on the SG file since 1995 and in 2015 the AGA passed a resolution authorizing the BOD to approve the AIP after the SG team has complete the negotiations. The AGA, as the ultimate Gwich'in Governance body, may provide further direction on the approval of an AIP.

This question will come up again at the AGA in August. The AIP is not a binding legal document and can be changed in any respect during the Final Agreement negotiations. The AIP merely provides a road map for future negotiations.

- Q.17 In respect to voting and membership eligibility and Gwich'in Governments exercising both land claim and self-government authorities, what mechanism will ensure participation of all GCLCA Participants while respecting the principle that residents have a greater stake in the Gwich'in Government activities?
- A. Gwich'in Participants are eligible to be Gwich'in Citizen fully exercising their rights and interests in both the land claim and self-government which will be clearly defined in the Gwich'in Constitution; however Gwich'in Citizens living outside the GSA will only be eligible for some programs and services under self-government.
- Q.18 How do we ensure land claim funding is not used to fund SG?
- A. Self-government will have a separate budget and separate financial controls. It would be appropriate for land claim monies to be used only for purposes which are related to beneficiaries. This needs to be worked out in detail during the Final Agreement negotiations and when government funding is being negotiated for self-government. Other self-government negotiations have developed special rules for the protection of land claim monies.
- Q.19 Who named the regional government DZG, why is it not called Gwich'in Government to be consistent with the GCLCA?
- A. The name of the regional government is something for the Gwich'in to decide. The name could be changed right up to the approval of the Final Agreement. Also the community governments will be called whatever a community wishes.
- Q.20 Inuvik has differences significant from other communities, NGC has a large membership of about 1000 individuals of the total 3348 (2014 enrollment) enrolled members, with approximately 650 members resident in Inuvik, how is this taken into consideration?
- A. It is recognized that Inuvik has differences from other communities. In fact, each community has a different population and different issues. Differences must be recognized so that the Self-Government Agreement will be flexible enough to accommodate the real issues in each community. Indeed, special arrangements may have to be developed at the community level to manage programs and services, in a cost effective manner. These issues will have to be worked out over time.
- As of March 31, 2017 the total enrollment for Gwich'in is 3503 members. Each DGO registered members are Inuvik at 1043, Fort McPherson at 1521, Tsiigehtchic 452 and Aklavik 487. Further, each community has members that live outside their community, region, and territory. Of the Gwich'in registered in Inuvik 441 of the 1043 live in Inuvik, Fort McPherson 622 of the 1521 live in Fort McPherson, Tsiigehtchic 106 of the 452 live in Tsiigehtchic and Aklavik 144 of the 487 live in Aklavik.
- Q.21 Inuvik has differences significant from other communities, NGC shares a community with a large non-Indigenous and Inuvialuit population, how is this taken into consideration?
- A. According to the 2012 statistics Inuvik has a total population was 3,321 (aboriginal population 2,141 (64%) and non-aboriginal 1,180 (36%)); Fort McPherson total population 808 (aboriginal population 754 (93%) and non-aboriginal 54 (7%)); Tsiigehtchic total population 129 (124 aboriginal (96%) and 5 non-aboriginal (4%)); and Aklavik total population 628 (575 aboriginal (92%) and 53 non-aboriginal (8%)).

Each of the Gwich'in communities may have Inuvialuit and Non-Indigenous communities; however the Self-Government agreement will allow for intergovernmental service agreements between the GNWT and other Aboriginal Governments to deliver services to non-Gwich'in residents.

Q.22 Inuvik has differences significant from other communities, NGC shares a community with Inuvialuit who are currently negotiating their own self-government agreement, how is this taken into consideration?

A. The Inuvialuit are negotiating their own self-government agreement; however both the Inuvialuit and Gwich'in self-government and other aboriginal self-governments in the NWT will allow for intergovernmental services agreements to deliver services to their respective members.

In some cases, a joint service delivery program between the Gwich'in and the Inuvialuit may make sense. This option will have to be considered over time.

Q.23 Inuvik has differences significant from other communities, NGC has members with access to employment, income and educational opportunities and government programs and services, many of which are not available in other communities, how is this taken into consideration?

A. Inuvik has access to regional services and employment opportunities; however self-government can provide access to employment, programs and services to all residents in the communities and not have the membership migrating to larger centers for employment reasons. The services provided to Inuvik is a regional service accessible by all communities in the region; however the communities of Fort McPherson and Aklavik have high school, RCMP, Social Services, Income Support, programs, Tsiigehtchic, Fort McPherson and Aklavik have health centers, economic development officers, housing, adult education/learning centers, and other programs & services currently offered by the GNWT.

Q.24 Inuvik has differences significant from other communities, it is located in the regional center which results in other pressures and responsibilities unique within the region, how is this taken into consideration?

A. As a regional center Inuvik may have its pressures, but the surrounding communities have many challenges of high cost of living, traveling to the regional center for services that could be offered in their community, remoteness, transportation, and other services that may be offered in a larger accessible community.

The communities also face challenges in education, self-government will allow Gwich'in to be more involved in decision making that could lead to better education and our children would be able to remain in their community for academic programming. Self-government is an opportunity for all Gwich'in communities to have an equal chance at equal services for all Gwich'in Citizens.

Employment in each community:

Non-Aboriginal employment in:

Inuvik 91%

Tsiigehtchic 67%

Fort McPherson 91%

Aklavik 73%

Aboriginal employment in:

- Inuvik 57%
- Tsiigehtchic 36%
- Fort McPherson 30%
- Aklavik 33%

Q.25 NGC seeks to explore elements of a model more responsive to those circumstances in order to best meet the needs of the membership, to cooperate closely with the Inuvialuit, who are also negotiating a self-government agreement with respect to delivering programs and services and discharging self-government authorities, is this possible?

A. Self-government is a community driven approach to Gwich'in governance. We understand that each community is different and that the unique circumstances will be reflected in the community governance structure and program delivery. The AIP allows for Intergovernmental Service Agreements with other Aboriginal governments to offer programs and services to non-Gwich'in Citizens. An Intergovernmental Service Agreement would need to be entered into with the Inuvialuit if programs and services are administered to Inuvialuit beneficiaries in any of the four Gwich'in communities.

Q.26 NGC seeks to explore elements of a model more responsive to those circumstances in order to best meet the needs of the membership, to cooperate closely with the Town of Inuvik, perhaps through a representative or cooperative mechanism to ensure the community government has a say in municipal matters, is this possible?

A. At this time Gwich'in have decided not to have a public government that would include municipal responsibilities in the self-government agreements; however, this does not prevent a community government from working closely with their community municipal government to achieve best results for their community.

Q.27 NGC seeks to explore elements of a model more responsive to demands from a large membership and consistent with its own capacity to draw down self-government jurisdictions in accordance with a process it is in control of, rather than through a process requiring the DZG to solely determine delegation of authorities, how is this possible?

A. Chapter 4.7 of the AIP sets out a process for delegation of authority, 4.7.1 states “unless otherwise provided in the Agreement, the DZG may delegate a Jurisdiction or Authority, including a power to make laws, to a Gwich'in Community Government”. Further, 4.7.3 provides for the DZG to enter into an agreement with the community government that agrees to 1) the jurisdiction to be delegated, 2) the duration of the delegation, 3) the terms of amending, renewing or terminating the agreement, and 4) the financial arrangements. The AIP is a draft and if needed can be changed at any time, if the wording in this section or another needs to be revised to add more clarity or strength this is achievable within the AIP. The delegation of authority is at the control of the community governments, the regional governments cannot force programs and services or law making authority onto a community government, especially if the community government does not have the capacity to draw down the jurisdiction. It would need to be the regional and community government working together to achieve and support the delegation of authority.

Q.28 NGC seeks to explore elements of a model more responsive to ensure that appropriate mechanisms are in place within the AIP, Financial Transfer Agreement, Taxation and Implementation agreements to support all Gwich'in Community Governments, how is this possible?

- A. The Gwich'in Self-Government negotiation process has been inclusive of the DGOs, Bands and Gwich'in Participants for a number of years to ensure we build a Self-Government Agreement that would be the best agreement for all Gwich'in. It is through these engagements that the mechanisms can be developed to ensure that all communities are successfully supported to implement the SG agreement of offering programs and services to Gwich'in Citizens.
- Q.29 NGC seeks to explore elements of a model more responsive, it is unclear whether intergovernmental arrangements between Inuvik Community Government and other governments would require approval or involvement of the DZG. This should be clarified through internal discussions of the negotiating team and possibly at the main table, how is this possible?
- A. The AIP allows for the DZG to enter into intergovernmental services agreements with the Parties and other Aboriginal Governments; however if a community government draws down the jurisdiction for a program or service then there is opportunity for the community government to enter into an intergovernmental agreement with the GNWT or Aboriginal Government to offer programs and services to non-Gwich'in. The AIP is a draft and if needed can be changed at any time, if the wording in this section or another needs to be revised to add more clarity or strength this is achievable within the AIP.
- Q.30 NGC seeks to explore elements of a model more responsive, the agreement should ensure that land claim authorities can only be delegated to other DGOs. This matter needs further discussion, how do we ensure this happens?
- A. The AIP allows for the transformation of the land claim bodies at the regional and community level to evolve into one regional and community government to oversee all matters of land claim and self-government. The Gwich'in Comprehensive Land Claim Agreement (GCLCA) is a constitutional protected document and so will be the Self Government Agreement, we cannot change or infringe on the rights of the GCLCA as the delegation can only be to a Designated Gwich'in Organization as outlined in Chapter 7. Gwich'in Governments will be recognized as DGOs.
- Q.31 NGC seeks to explore elements of a model more responsive, the agreement should ensure that land claim monies can only be used to support beneficiaries and programs accessed only by beneficiaries unless otherwise decided by the relevant DGO, how do we ensure this happens?
- A. Within the GCLCA, the Gwich'in Settlement Corporation can only distribute capital funds to DGOs. The new community governments will have status as a DGO and will continue to receive distributions if the Gwich'in decide. The AIP does not get into details on the land claim aspect as this will be addressed as an internal Gwich'in issue.
- Q.32 NGC seeks to explore elements of a model more responsive, the provisions in the land claim require the participation of non-resident beneficiaries in land claim matters, how do we ensure this continues to happen? The NGC looks forward to better understanding the overall effects of this on various elements of the AIP.
- A. All Gwich'in Participants have an equal interest in the collective claim as outlined in Chapter 7 of the GCLCA, as Gwich'in Citizens they will have rights to voting, programs and services that are available to all Gwich'in, but there will be programs and services that only Gwich'in Citizen's resident in the Gwich'in Settlement Area will be eligible for and it is only Gwich'in Citizen's in the four Gwich'in Communities will be paying taxes to the Gwich'in Government. More details on the Gwich'in Governance will be outlined in the Gwich'in Constitution and laws.

Acronyms:

AGA	Annual General Assembly (Gwich'in)
AIP	Agreement-in-Principle
BOD	Board of Directors
DGOs	Designated Gwich'in Organization
DZG	Dinjii Zhuu Government
EGC	Ehdiitat Gwich'in Council
FAQ	Frequently Asked Questions
GCLCA	Gwich'in Comprehensive Land Claim Agreement
GGC	Gwichya Gwich'in Council
GNWT	Government of the Northwest Territories
GSA	Gwich'in Settlement Area
GTC	Gwich'in Tribal Council
NGC	Nihtat Gwich'in Council
SG	Self-Government
TGC	Tetlit Gwich'in Council