



Band Member Update

FEBRUARY 2019

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NORTHWEST TERRITORIES TREATY NEGOTIATIONS

UPCOMING MEETING DATES:

March 19-20-21 – Calgary, AB

NOTES FROM MOST RECENT MEETING – VANCOUVER (January 22-23-24, 2019)

The January Negotiations Meeting was the first in several months as both governments were preparing responses to ADKFN on several subjects and the intent of the meeting was to share that information.

Chief and Council passed a Band Council Resolution at their January meeting a Mandate position on the key issues of negotiations. The mandate provides direction to the ADKFN Negotiations Team. Included in the mandate are the following elements:

- Adequate Capital Transfer, significant increase from what was currently on the table from Canada
- Surface and Subsurface Ownership
- Full Land Quantum – with the inclusion of in-lieu land cash settlement
- Qualified Release of Existing Interests
- Balance Selection of Land Quantum
- ADKFN's Taxation Authority: Taxation of third-party interests over the entirety of ADKFN's Settlement Lands,
- Loan Forgiveness/Reduction
- Establishment of a Designated Fund(s): Establishment of additional funds to support the long-term self-sufficiency of ADKFN's community, such as through a Reconciliation Fund, Economic Development Fund, or Social Development Fund established by CANADA for ADKFN
- Public Local Government/Inclusive public Aboriginal governance model for the Hamlet
- Sustainable model for infrastructure of the municipality
- Mineral Resource Royalties
- Forgiveness of Property Tax Arrears
- Independent Land Use Planning
- Waiver of a Commercial Right to Water
- Continued Right to Pursue Specific Claims
- Certainty and Consultation
- Early Phase 2 Negotiations
- Adequate Operating Funds for Self-Governance

At the January meeting in Vancouver, the summary of the agenda items included:

1. Land Use Planning – discussion of GNWT's proposed Renewable Resource Management regime
2. Information Sharing – ADKFN provided a response to GNWT's proposed Information Sharing Protocol
3. Discussion on Interest-based Negotiations – ADKFN provided a response to Canada's recommendation for commencing interest-based negotiations

4. Changes in the Capital Transfer – ADKFN presentation on its further analysis of Canada's land and capital quanta; Response was given by Canada to ADKFN's land and capita quanta presentation provided at the previous meeting, including specific responses to: Canada's foundation of the 2009 offer, per capita comparisons, the impact of the decline in land values since 2009, the impact of the depletion of ADKN's resources, the current lack of market potential, and ADKFN's long-term self-sufficiency; discussion on a principled approach to determining a fair and reasonable capital transfer amount, and discussion of Canada's process and timing for obtaining a revised mandate
5. Options discussion for land quantum as identified by all three parties
6. Canada provide a presentation by Richard Alvarez, Policy Analyst for Canada
7. Canada tabled the discussion to the March meeting concerning Specific Claims
8. Discussions concerning the status of the various working groups – implementation, lands, and taxation and fiscal financing
9. Discussion concerning Table Management specific around funding of the negotiations going forward (based on principle base), review of the work completed in the 2018-19 Workplan, discussion around the preparing of the 2019-20 Workplan and establishing meeting dates for 2019-2020. It was agreed to go 3-day meetings going forward rather than the current practice of 2-day meetings.

SIDE TABLES (WORKING GROUPS)

Lands Side Table

- November 8, 2018 (Edmonton, AB) was cancelled; due to the current position discussions at the main table no Lands Side Table meetings are currently scheduled
- Committee Members: Jodi Carlow (Consultant) & Frank Kotchea (Local Expert)

Implementation Side Table

- November 6-7, 2018 (Edmonton, AB) was cancelled; due to the current position discussions at the main table no Lands Side Table meetings are currently scheduled
- Committee Members: Jodi Carlow (Consultant), TBD (Staff), TBD (Local Expert)

Fiscal and Finance Table

- Pending governance of the municipality decision, no current meetings scheduled
- Committee Members: Merrill Shepard (Legal), Doug McArthur (Advisor), TBD (Local Expert)

FIRST NATION OVERLAP DISCUSSIONS

Overlap discussions have commenced with:

- Fort Nelson First Nation
- Dene Tha First Nation

BC TREATY NEGOTIATIONS

UPCOMING MEETING DATES:

April 11 - Vancouver

NOTES FROM MOST RECENT MEETING – VANCOUVER (January 21, 2019 GBC)

NOTES FOR MOST RECENT MEETING – VANCOUVER (January 24, 2019 – BCTC)

Discussion items at the January 2019 meeting included:

- Presentation by ADKFN concerning the proposed mapping digitization project that the Province of BC and the British Columbia Treaty Commission
- Discussion about consultation protocol in British Columbia with the various government departments, the BC Oil and Gas Commission, and industry
- Discussion about referrals and initiatives in ADKFN's territory – boreal caribou and 2019-20 Timber Supply Review
- Discussion concerning funding for both the 2018-19 fiscal and the 2019-20 fiscal along with work plans
- Discussion on ADKFN's negotiating interests – recognition of ADKFN in BC, current economic interests in ADKFN's territory (i.e. Gas, forestry, power generation)
- Discussion concerning the form of agreement for negotiations (i.e. Options, process, objectives, timelines)
- Discussion concerning land use planning and land management (i.e. ADKFN's interest in land use planning, Government of BC's Bill 51, and land management in ADKFN's traditionally Territory)
- Discussion concerning the desire and intent in determining a process for engaging with First Nations with shared territory
- Discussion concerning intergovernmental health administration discussions between the Government of Northwest Territories and the Province of British Columbia

YUKON TREATY NEGOTIATIONS

UPCOMING MEETING DATES:

April 9-10, 2019 - Whitehorse

NOTES FROM MOST RECENT MEETING – WHITEHORSE (January 29-30, 2019)

Discussion items at the January 2019 meeting included:

- Discussion concerning ADKFN's assertion of traditional territory in Yukon including ADKFN's asserted Aboriginal Rights and Title and Treaty Rights
- Discussion of the Interim Land withdrawals in southeastern Yukon by the Yukon Government
- Discussion on ADKFN's interests in the Yukon and negotiation topics proposed strength of claim analysis, preparation of a Land Use Plan, internal preparations for negotiations including community engagement

- Discussion of potential topics for negotiations (i.e. Multijurisdictional resource management, resource revenue sharing options, options to support ADKFN's community welfare and economic development)
- Discussion of process going forward (i.e. Agreement by the parties on negotiating topics, work planning, meeting frequency)
- Discussion about funding opportunities for ADKFN in the 2018-2019 and 2019-20 fiscal years
- Review and discussion of a draft Communication Protocol
- Presentation about the Yukon Forum

KASKA LITIGATION

No new information. ADKFN is being represented by Donovan & Company (Vancouver)

PARAMOUNT LITIGATION

Scheduled to be before the Supreme Court of Northwest Territories, March 6, 2019. Discussions have been occurring between Paramount's legal and ADKFN's for an out of court settlement. Nothing been agreed to at this point. ADKFN is being represented by Rae & Company (Calgary)

DISPUTE WITH JAYHAWK RESOURCES

No new news. ADKFN is being represented by Donovan & Company regarding the dispute with Jayhawk Resources.

LIARD VALLEY DEVELOPMENT CORPORATION - REINSTATEMENT

No new news. File is being managed by Wallbridge Law Office (Yellowknife, NT)

LANDS AND RESOURCES

The Lands and Resources Office of ADKFN continues to be managed through a consulting contract with Landmark Resources of Victoria, BC. Landmark has three personnel assigned to ADKFN's file (Manager, Coordinator, and Treaty Advisor). The following is a list of happenings in the past months:

EVENTS

The following workshops and meetings were attended by Landmark representatives in December 2018 and January 2019 (since the previous Band Member update):

- Various internal conference calls with the ADKFN Negotiations Team as scheduled.
- Represented ADKFN on a CBM Program Evolution and Engagement - December 11.
- Represented ADKFN for the Dehcho Land Use Planning Committee meeting via conference call on December 12.
- Attended portions of the Negotiations meeting with BC via conference call on January 21.
- Attended portions of the Treaty main table meeting with Canada attended on January 23 and 24 in Vancouver, BC.

REFERRALS/CONSULTATION

- A referral response was submitted to the BC Oil and Gas Commission (BCOGC) for Nabors Drilling Canada Limited short-term water use activity.
- A referral response was submitted to the BCOGC for Paramount Resources Limited short-term water use activity.
- A referral response was submitted to the BCOGC for Crew Energy Inc. short term water use activity.
- A referral was received by FLNRO in BC for the Fort Nelson Timber Supply Area. Landmark is drafting a response which will be submitted following ADKFN approval.
- A referral was received by FLNRO in BC for the Fort Nelson Community Forest Agreement in the Fort Nelson Timber Supply Area. Landmark is drafting a response which will be submitted following ADKFN approval.
- A referral was received by FLNRO in BC for the Province of British Columbia's Pest Management Plan in the Fort Nelson Natural Resource District. Landmark is drafting a response which will be submitted, following ADKFN approval.
- A referral was received by FLRNO in BC for a Transporter License Renewal for Northern Rockies Lodge/Liard Tours to transport hunters to and from locations by air. Landmark is drafting a response which will be submitted, following ADKFN approval.
- A referral was received from the GNWT Department of Industry, Tourism and Investment for the amendment to Tourism Operator License: Jack Pine Paddle. Landmark is drafted a response which will be submitted following ADKFN approval.

FUNDING APPLICATIONS

- Submitted a proposal for a CIMP TK Study on Fish within Acho Dene Koe First Nation Traditional Territory by the December 7th deadline.
- Submitted a proposal for IRMA Resource Pressures Funding to received additional funding to complete Lands Department related tasks by the December 13th deadline. Since the proposal submission, we have been notified that ADKFN was a successful applicant and will receive an additional \$20,000 for this fiscal year.
- Submitted a proposal for funding for the review of the MVEIRB Draft Environmental Impact Assessment Initiation Guidelines by the December 14th deadline.

RESEARCH APPLICATIONS AND ARCAHEOLOGICAL PERMITS

- A research notification was received by Landmark regarding a renewal for the "Yukon-Northwest Seismic Network: Characterizing Earthquakes and Earth Structures" study. The project is entering its second year of its five-year duration. Landmark will review the notification and provide a summary for ADKFN with any relevant comments relating to the project.

LAND USE PLANNING

- Continuing the ongoing work in developing ADKFN's Draft Land Use Plan (LUP) this is being done in coordination ADKFN leadership, members of the community and with direction from ADKFN's legal team.
- The ADKFN LUP will set out economic, ecological, and cultural priorities and policies for ADKFNs land management and guide the land selection component of treaty negotiations.
- It is important as the plan progresses that the work of everyone ensures that the ADKFN LUP aligns with the overall intent and implementation of the Dehcho LUP - including with aligned land designations and management strategies. To achieve this ADKFN has a re-engaged and participates in the Dehcho Land Use Planning Committee (DLUPC) meetings.
- Upcoming meetings will be held to ensure the plan accurately reflects the social and cultural interests of ADKFN in their land use and resource management allocations.

Please attend as many of these sessions as possible, as the more people who give their input, the more closely aligned the Final ADKFN LUP will be to the collective voice of the community.

Dates will be posted on Facebook and at the Band Office.

CURRENT AND FUTURE WORK

- Brad Himour of Landmark is here this week working with ADKFN on two studies:
 1. A follow up on a caribou study that ADKFN and Landmark conducted last year with funds from the government of the NWT. That project was looking at changes in caribou population due to land development and climate change in the NWT portion of ADKFN's territory. This year ADKFN have funding from the Canada's Species at Risk Program and Landmark are doing some more interviews in the community this week. The focus of this project will be to identify areas in the entire ADKFN territory that are important to caribou for calving, migration and food.
 2. A cabin project being funded by the Government of the NWT. A Traditional Knowledge study that was conducted in 2012 recorded 223 cabins, and now that information needs to be updated. Landmark is helping ADKFN record all new cabins built since 2012.

SHORT-TERM LOCAL EMPLOYMENT

- ADKFN has been able to support local band members with short-term contract work during the course. To date we have provided a total of \$58,279.42 towards our economy in Fort Liard.
- Watch for local postings, our Facebook page, and the website for ADKFN at www.adkfirstnation.ca

DEPARTMENTS

FINANCE

Chief and Council approved the 2018-2019 Budget in November. This year's budget is proposed to be \$2,286,612 with 91% of the funding being proposal driven with only \$208,000 or 9% being secured/guaranteed funding from the Government of Canada (Core and Resource Royalties share).

| ACHO DENE KOE FIRST NATION BUDGET | | 2018-2019 | |
|--|---|------------------|------------------|
| CANADA | | | |
| 1902 | Resource Royalties | \$ | 70,101 |
| 1906 | Core Funding | \$ | 138,233 |
| 1908 | Regulatory Improvements | \$ | - |
| 1909 | Community Development & Capacity Building | \$ | 108,000 |
| 1911 | Negotiations Governance Capacity Development | \$ | 175,000 |
| 1912 | Negotiations Preparedness | \$ | 175,000 |
| 1913 | Negotiations Inherent Rights | \$ | 200,000 |
| 1915 | Treaty Days | \$ | 1,300 |
| 1918 | Professional & Institutional Development | \$ | 45,000 |
| 1923 | Bands Managers | \$ | 2,000 |
| 1926 | Nation Rebuilding Program | \$ | - |
| 1932 | Specific Claims | \$ | 120,000 |
| 1943 | Boreal Caribou Monitoring Study | \$ | 37,000 |
| 1945 | Community Led Pilot Projects | \$ | 137,500 |
| 1946 | Northern Legislative Initiatives | \$ | 15,000 |
| 1949 | Consultation on Indian Registration | \$ | 10,000 |
| 1962 | First Nation Youth Employment Strategy | \$ | 54,900 |
| 1967 | Land Use Planning - Ph 2 | \$ | 60,000 |
| 1968 | Land Use Planning - Ph 3 | \$ | 60,000 |
| TOTAL CANADA | | \$ | 1,409,034 |
| NORTHWEST TERRITORIES | | | |
| 1903 | ENR - Wildlife Act | \$ | 4,500 |
| 1904 | ENR - IRMA - Base | \$ | 75,000 |
| 1905 | JUSTICE - Community Justice | \$ | 49,500 |
| 1910 | IRMA - Pressures | \$ | 24,000 |
| 1914 | ITI - Community Harvester Assistance Program | \$ | 39,585 |
| 1917 | HEALTH - Community Wellness | \$ | 165,000 |
| 1921 | EXECUTIVE - Intergovernmental Council Support | \$ | - |
| 1927 | ITI - Seed | \$ | - |
| 1929 | LANDS - Untenured Occupancy Public Lands | \$ | 26,000 |
| 1934 | ECE - On the Job Training | \$ | 12,963 |

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|------------------------------------|---|-----------|----------------|
| 1935 | ECE - Labor Market Development | \$ | 62,992 |
| 1936 | ECE - Small Community Employment Assistance | \$ | 16,707 |
| 1938 | ECE - Workplace Development | \$ | 13,998 |
| 1939 | ENR - Water Stewardship | \$ | 1,227 |
| 1941 | EXECUTIVE - Economic Symposium | \$ | 5,980 |
| 1947 | ITI - Healing on the Land | \$ | 30,000 |
| 1953 | LANDS - Environmental Assessment Guidelines | \$ | 2,775 |
| 1954 | ENR - Fish Monitoring Study | \$ | 61,685 |
| 1992 | ITI - Seed - Arctic Oil and Gas | \$ | 6,097 |
| 1995 | ITI - Seed - Hand Games & Fall Gathering | \$ | 15,520 |
| TOTAL NORTHWEST TERRITORIES | | \$ | 613,529 |

BRITISH COLUMBIA

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|-------------------------------|-----------------|-----------|---------------|
| 1944 | Mapping Project | \$ | 20,000 |
| 1961 | Negotiations | \$ | 20,000 |
| TOTAL BRITISH COLUMBIA | | \$ | 40,000 |

BCTC

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|-------------------|--------------|-----------|---------------|
| 1924 | Negotiations | \$ | 56,333 |
| TOTAL BCTC | | \$ | 56,333 |

YUKON

| | | | |
|--------------------|---------------|-----------|---------------|
| 1940 | Negotiations | \$ | 10,000 |
| 1942 | Consultations | \$ | 10,000 |
| TOTAL YUKON | | \$ | 20,000 |

DEHCHO

| | | | |
|---------------------|----------|-----------|---------------|
| 1916 | Language | \$ | 34,716 |
| TOTAL DEHCHO | | \$ | 34,716 |

OTHER

| | | | |
|--------------------|-------------------------|-----------|----------------|
| 1919 | Great Slave Helicopters | \$ | 11,000 |
| 1996 | Undisclosed BA | \$ | 100,000 |
| 1990 | Indirect Administration | \$ | - |
| 1928 | LGANT | \$ | 2,000 |
| 1931 | Litigation - Kaska | \$ | - |
| 1999 | Non-Funded | \$ | - |
| TOTAL OTHER | | \$ | 113,000 |

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|--------------|--|-----------|------------------|
| TOTAL | | \$ | 2,286,612 |
|--------------|--|-----------|------------------|

The 2017-2018 audit is in the process of being completed by KPMG and should be ready for membership with access online in March and available with paper copies from the Band Office in March. The documentation will be available at the next Community Meeting of members.

HUMAN RESOURCES

We are continuing to build capacity for the First Nation as we move towards self-government. Positions are being posted throughout the year and will be continuing to occur as funding is received from Canada, Government of Northwest Territories, or Industry relationships. Watch for local postings, our Facebook page, and the website for ADKFN at www.adkfirstnation.ca

Associate of Community Justice: We would like to welcome Vanessa Villeneuve to the ADKFN Team. She has taken on the role of Associate of Community Justice. Vanessa will be working Monday to Friday from 1p.m. – 5 p.m. Vanessa will also be taking on the responsibility of membership services, birth certificate processing etc.

Associate of Communications: Decision currently by Council is to postpone this position until further notice.

Coordinator of Career Development and Training: Decision currently by Council is to postpone this position until further notice.

COMMUNITY WELLNESS

- We continue to fulfill the requests of the membership by the workshops and activities that we are offering.
- We urge individuals to come to the band office with suggestions and activities that you would like to do.
- Please note our calendar of events are available each month on our ADKFN Web Page, Face book Page, at the band office and at the Northern Store.
- Michelle Browning is the assistant to Jacqueline for this program, she is available to answer questions that individuals may have.
- We were happy to provide Christmas Hampers to the membership for Christmas along with a Christmas Feast.
- We were happy to sponsor the New Year's Feast that was put on my Morris and Barbara McLeod.
- Community Wellness continues to support agencies within town with sponsorship support. We have joined with Aurora College to help support workshops such as H2S Alive and so forth.

CULTURAL AND LANGUAGE SERVICES

- Kathie Hardisty continues to promote the Dene language with programs within the community.
- She is still looking for old photographs, and Elders who are willing to sit down and share history and stories to be recorded.

- Kathy has begun Adult Slavey Language classes that are being held at the 9 Plex on February 13 and 27. Brush up on your language skills or begin learning. Our language is slowing declining help to bring it back to life.

ADOLESCENT PROGRAM AND RECREATION SERVICES (THE GATHERING PLACE)

- The Gathering Place continues to be a busy place preparing activities for each month. Robert Loe and Holly Fantasque continue to run the programs. If you have any concerns, please don't hesitate to bring this forward to Jacqueline.
- The operating hours of Monday to Friday seem to be working, we continue to use the Gathering Place for many workshops and events as we can. Hours of operation remain as follows Monday to Friday – 4 p.m. – 10 p.m.
- Recently Robert lead a 1-week Winter Camp. It went well and we look forward to coordinating another one.
- We also continue to use the Gathering Place to promote workshops on traditional crafting and other areas of interest. Take the opportunity to attend and learn something new. This week there is a rug braiding workshop.

COMMUNITY JUSTICE

Statistics for this period:

- Number of Diversions - 11
- Number of Referrals from RCMP/Crown/Court – 11
- Number of Completed Diversions – 10
- Number of Diversions awaiting competition – 01
- Number of Diversions sent back to court – 01
- Number of Diversions transferred to another district - 01
- Number of appointed Community Members to the local community Justice Committee 05

We are actively seeking community members to be a part of our program. We urge individuals to provide a letter of intent stating why you wish to become part of this team and provide a criminal record check. If you are interested in becoming a member, please contact Jacqueline at the Band Office.

All our Community Justice Members have been appointed by the Minister of Justice and remain in good standing.

Membership can begin to see more activities happening in town that are being done in conjunction with our Community Justice Program, local RCMP and various local agencies. Be sure to come out on Saturday February 16th to Hay Lake for sliding adventures and a cook out.

STRATEGIC PLAN TO BE COMPLETED

ADKFN has selected and entered into a consulting contract with CMR CONSULTING INC., of Calgary, Alberta to complete its first Strategic Plan. This will be a significant endeavor for ADKFN as it will provide opportunity for the membership to express their desires in programs and services for the next five (5) years (2019-2024) as the First Nation transitions to self-government and the signing of their historic treaty and land claim with the Governments of Canada and the Northwest Territories.

The Strategic Plan for 2019-2024 will set the broad direction for the organization going forward over the next five years. ADKFN intends to use the Strategic Plan for 2019-2024 to help guide strategic thinking on a broad range of issues/activities and to help the organization focus its resources.

CMR CONSULTING INC., will be facilitating the planning process, actively engaging community members, supporting and complementing organizations in the community, staff and leadership to help create a realistic and achievable strategic plan that is suitable for both sharing with the membership/public, as well, being a guiding document for Council and management in preparing their annual plans and budgets. In completing the Strategic Plan, ADKFN is striving to have:

- A guiding document for developing administrative processes, governance structures and human capacity for the term of the strategic plan period,
- Improving ADKFN's members standard of living and community well-being
- Creating strong self-governance,
- Enhancing economic develop and the local economic, and
- Improving finance and administration.

The intent is to have the Strategic Plan completed and ratified by Chief and Council by the end of April 2019 with the ability to use it for defining business planning and budgeting beginning with the 2019-2020 fiscal year.

CMR CONSULTING INC. is based in Calgary, Alberta, it is a boutique firm who has performed big results for Indigenous organizations across Canada. It was founded in 2006 and over the last eleven (11) years has delivered strategies and execution competencies that align with the vision, values, and cultural perspectives of an organization.

CMR CONSULTING INC. has worked with the Fort McKay Group of Companies (Ft. McMurray, AB), Fort Nelson First Nation (Fort Nelson, BC), Aboriginal Friendship Centre of Calgary (Calgary, AB), Indigenous Knowledge and Wisdom Centre (Edmonton, AB), Ledcor in the development Indigenous Guiding Principles (Vancouver, BC), Painted Pony Energy – Aboriginal Guiding Principles and Engagement Strategy (Calgary, AB), TransCanada – developed Aboriginal and Stakeholder plans (Calgary, AB), and BHP Billiton (Melbourne, AU) to name a few.

CMR CONSULTING INC.'s approach and methodology to complete the Strategic Plan for ADKFN will involve a proven five (5) step methodology – (1) Determining Outcomes, (2) Information Gathering and Analysis, (3) Strategic Design (which will include community work with facilitated workshops, focus groups, sharing circles as required, mailouts, open houses with community feasts, and where appropriate, messaging boards, inter-active on-line platforms for broad

discussions, m door-to-door discussions, and surveys), (4) Implementation, and (5) Review and Evaluation to measure and monitor progress .

NEW CUSTOM ELECTION CODE TO BE COMPLETED

ADKFN has received funding from the Government of Canada and has been working on the preparation of a new Custom Election Code. A consultant from British Columbia has prepared the initial draft and it is currently being reviewed by legal – McLennan Ross of Yellowknife.

Once the drafts have been finalized, it is scheduled to go to Chief and Council at their February 11th Council Meeting for review. Council will have the opportunity to review and provide input into changes prior to it coming to membership for review and input on revisions, questions, and comments. This is expected to occur at the April Community Members Meeting. Following that meeting, the work will continue to make revisions and bring back to Council by the June meeting of Council. After Council has had another review, it will then be returned to the August Community Members Meeting. If there are no further revisions, questions, or comments. Then it will be presented to Chief and Council as completed for a Band Council Resolution to approve a Referendum Vote to occur at the October Community Members Meeting. Announcement will be given all members along with the ratification process to occur at a future date.

The development of a custom election systems is seen as the foundation for better band governance. A custom election system allows First Nation communities to design and adopt their own election code, albeit with some federal requirements that must be met before final approval. Many believe band elections held under the Indian Act system are inherently “colonialist” and even oppressive of Indigenous peoples’ legitimate aspirations. Most First Nations in Canada hold band elections under custom code systems. The Indian Act systems (which ADKFN currently administers) are now the minority across the country.

In preparing the Custom Election Code, ADKFN both the consultant contracted and the legal who are reviewing the draft took into consideration the research conducted by the Fraser Institute of Vancouver and the impact a new custom election code can have on a First Nation. Most importantly consideration was given to ensure that the custom election code prepared was consistent with the values of ADKFN and its membership and it addressed the desires of the membership in creating a transparent and consistent election process for ADKFN for the future until self-government is to occur. Once the decision of whether ADKFN is going to assume governance responsibility for the Hamlet then the custom election code may need to be amended. Therefore, at this time, the current custom election code may be an interim code until self-government.

The Fraser Institute examined both the favorable and unfavorable aspects of custom election systems for First Nations, especially for modern Indigenous governance. While allowing Indigenous communities to escape the paternalistic aspects of the Indian Act, the study found that without Federal oversight, custom election codes permit various forms of discrimination, such as that based on residency. A wide range of scholars and parliamentarians assumed that the

custom election systems could deal with the inherent weaknesses of the Indian Act system. To some extent, they can and have, but they have also introduced problems of their own that are not widely understood or mentioned. The paper also mentions documented cases where once Indigenous Affairs Canada has signed off on a custom code, First Nation governments act to subvert institutions – such as representative custom councils – that are meant to check excessive chief and councilor power or ensure financial disclosure and accountability to community members. In these cases, it could be argued that self-government has been used inappropriately as a cover for abuse of power. The paper also finds that without any intervention from Indigenous and Northern Affairs Canada (which happens for bands still under the Indian Act), custom bands find themselves thrown into divisive and costly court battles. The study discusses new data from the well-regarded Community Well-Being Index (CWB), which shows that bands adopting custom codes have no better community well-being than those under the Indian Act. Therefore, governments need to better understand these systems before they promote them in a sweeping and universal manner. While custom codes hold the promise of creating accountable and transparent governance structures, this study cautions communities planning to adopt them to think through both their pros and cons. In the end, this study offers some practical next steps, such as the widespread adoption of band constitutions to prevent residency discrimination and other abuses, and to promote independent dispute resolution. Bands must also share best custom code practices with each other. Lastly, the federal government must help ensure that any movement towards custom election systems definitively improves Indigenous well-being.

Section 74 of Canada's Indian Act allows First Nations to opt out of its election provisions and "revert" to "custom electoral systems," by which bands can design their own election laws and create parallel governance structures to better reflect the culture and needs of their community. More than half of First Nations have now taken advantage of this option, and a Senate committee has recommended that the federal government phase out the Indian Act model and make custom government the norm (Canada, Senate, 2010).

Good governance for First Nations starts with the choice of chief and council to head the band government. The Indian Act gives the Minister of Indigenous Affairs statutory authority under subsection 74 (1) to declare, when advisable for the good governance of the band, that the council shall be selected under Indian Act rules. Sections 74–80 of the Act set out the framework for band elections. The Indian Band Election Regulations contain detailed rules for nominations, voters' lists, polling stations, casting of ballots, election appeals, and setting aside elections due to "corrupt practices."

In preparing ADKFN's new Custom Election Code, consideration has been given to ensure that it meets Indigenous and Northern Affairs Canada (INAC) Conversion to Community Election System Policy which specifically states that codes must comply with the "principles of natural justice and procedural fairness" Once INAC approves the code, a ministerial order is issued removing that First Nation from the electoral parts of the Indian Act. However—and herein lies a central problem—once a band has been removed from the Indian Act's electoral provisions, INAC no longer "oversees the evolution of the community's election code" (Canada, Senate, 2010: 17).

This means that as soon as the federal government signs off on the initial custom election code, it washes its hands of the code and its subsequent evolution.

The goal of First Nations governance is to create effective and responsive institutions that improve community well-being. The federal government, in dealing with Indian Act, custom system, and bands operating under the new First Nations Election Act regime, must promote and enforce these principles with First Nations. The evidence suggests that modern Indigenous communities expect their governments to be compliant with the Charter and the federal human rights code.

To read more about the report prepared by the Fraser Institute concerning advantages and disadvantages of custom election codes, it can be found at <https://www.fraserinstitute.org/sites/default/files/custom-election-codes-for-first-nations.pdf>

The Chief and Council have provided this reference to its membership in order to be open and transparent in the consideration of a new custom election code. It is important for members to be informed and educated as you consider whether to vote for the adoption of a new custom election code for Acho Dene Koe First Nation.