

TLICHO MODEL OF GOVERNANCE

TLICHO COMMUNITY GOVERNMENTS

ESTABLISHMENT: 8.1

Established by territorial legislation which must be consistent with the Tlicho Agreement

Territorial legislation:

- Sets out the powers of the community governments
- Provides for election procedures
- Provides for structures and administration
- Defines residency and may provide other eligibility criteria
- May provide for acclamation and removal
- Sets community boundaries and how boundaries may be expanded
- Sets out law making authorities: 8.4 – typical list of municipal government powers
- Exception 8.4.1(iii) housing for residents – does this overlap with Tlicho Government jurisdiction for social housing for Tlicho Citizens: 7.4.4

STRUCTURE

Membership:

- Chief and 4-12 councillors depending on population of community
- Chief: a Tlicho Citizen elected by Tlicho Citizens who are eligible voters
- Councillors: Any eligible voter elected by eligible voters
- ½ of the Councillors must be Tlicho Citizens; e.g. if short one Tlicho member, select Tlicho candidate with next highest number of votes

Eligibility to vote:

- 6 months residency in that specific community and two years in the Monfwi area

Stand For Chief:

- Tlicho Citizen, 18 years or older
- Resident in that community for two years
- Nominated and elected by Tlicho Citizens who are eligible voters
- Only a Councillor who is a Tlicho Citizen can act as Chief in his absence

Stand For Councillor:

- Any eligible voter can run for Councillor

Inconsistency or Conflict of Laws:

- Federal legislation trumps community government laws
- 'other' territorial legislation trumps community government laws

Conflict of Laws:

- Territorial legislation establishing the Community Governments trumps community government laws
- Tlicho Government legislation trumps community government laws

TLICHO GOVERNMENT

ESTABLISHMENT

Established and defined by Chapter 7, Chapter 8, Tlicho Constitution and the territorial legislation establishing the Tlicho Community governments

STRUCTURE Chapter 7

The Tlicho Government body that exercises its law making powers and its primary executive functions will include *AT LEAST* (allows some flexibility – look to Tlicho Constitution for specifics):

Grand Chief:

- Elected at large by eligible Tlicho Citizens – Tlicho Agreement does not say the Grand Chief must be a Tlicho Citizen, but the Tlicho Constitution does

4 Chiefs:

- The Chief of each Tlicho Community Government – they must be Tlicho Citizens as per Chapter 8

And:

- At least one representative from each Tlicho Community elected by residents of that community
- Does not specify that the representative must be a Tlicho Citizen or that he/she is elected by Tlicho Citizens (see Tlicho Constitution 8.2)

TLICHO CONSTITUTION

The Constitution must be consistent with the Tlicho Agreement

Tlicho Government laws must be consistent with the Constitution and the Tlicho Agreement

TLICHO GOVERNMENT STRUCTURES

Annual Gathering of Tlicho Citizens:

- receives reports from the Tlicho Assembly
- Approves amendments to the Tlicho Constitution and proposed amendments to the Tlicho Agreement

Tlicho Assembly

The Tlicho Assembly is the body that exercises the Tlicho Government's law making powers and its primary executive functions

The Constitution fills in the details on the structure of the Tlicho Assembly based on 7.1.3 in the Tlicho Agreement

Assembly Structure

Grand Chief:

- The Constitution says the Grand Chief must be a Tlicho Citizen
- Must be a resident in a Tlicho Community or on Tlicho Land for 2 years
- Tlicho Citizens nominate candidates for Grand Chief and announce the nominations at an Annual Gathering every 4th year
- Tlicho Citizens with 2 years of residency in the Monfwi area can vote for the Grand Chief

The Chief of each Tlicho Community (4):

- as elected by Tlicho Citizens in each community

Councillors:

- *At least 2 Councillors from each Tlicho Community Government (current number is 2 from each Community Government)*
- They are selected by each Community Council (11.4)
- Does not say Assembly Councillors must be Tlicho Citizens
- Whether or not they are Tlicho Citizens, they have all been elected by all eligible voters in their community
- Note that TLicho Citizens who are not resident in a Tlicho Community have not been able to vote for the 4 Chiefs and the 8 Councillors on the Tlicho Assembly
- 11.6 says a non-Tlicho can be appointed or elected as a member of the Tlicho Government and its institutions (does not say he/she must be a resident, how he/she is selected and by whom – presumably would all be set out in a Tlicho Government law)

Chiefs Executive Council (CEC)

- Shall be composed of the Grand Chief and the 4 Community Chiefs
- The CEC is an institution of the Tlicho Government
- The CEC may convene meetings as necessary (who decides if a meeting is necessary)

Law Making Authority of the Tlicho Assembly

- Internal operations
- Over Tlicho lands and assets
- Over a number of people oriented jurisdictions, but for Tlicho Citizens only in most cases
- The geographic extent of most of these jurisdictions is on Tlicho Lands and in Tlicho Communities

Intergovernmental Service Agreements (ISA)

ISAs will:

- provide for the delivery of programs and services to all persons on Tlicho Lands and in Tlicho Communities through a single mechanism
- be the instrument through which government and the Tlicho Government exercise their authorities over these types of programs and services and assume responsibility and accountability for their delivery

The 1st ISA will be in effect for 10 years

- there is the option of renewing or replacing the ISA if the parties choose

If there is no ISA, the parties will exercise their powers in a way to:

- minimize duplication or other inefficiencies in the delivery of programs and services
- take advantage of administrative harmonization and sharing of facilities

Tlicho Community Services Agency

- Established through territorial legislation as per the ISA
- Has a Board of Directors comprised of the 4 community Chiefs and a chair
- Delivers GNWT programs and services; based on GNWT legislation, policy, human resources and financial regime; with resources from the GNWT