

**STRATEGIC AND TACTICAL PLANNING WORKSHOP  
FORT PROVIDENCE, NT  
NOVEMBER 2-6, 2015**

**Facilitator's Report**

**22 November 2015**

## **Summary of the Workshop Process**

The Dehcho First Nations (DFN) convened a “Strategic and Tactical Workshop” in Fort Providence, NT from November 2-6, 2015. The workshop was attended by leadership and delegates from all the DFN communities (with the exception of Nahanni Butte) and was facilitated by Miles Richardson and Larry Innes.

## **Key Outcomes**

Over the three day session, participants:

- reconfirmed the vision and purpose of the Dehcho First Nations within the Dehcho Process;
- identified the key goals and outcomes sought by Dehcho First Nations;
- identified 4 short-term objectives based on a strategic assessment of opportunities and obstacles;
- committed to a further workshop to address governance issues and to take responsibility for clarifying and advancing their objectives.

These outcomes are summarized below.

## **Vision and Purpose**

Dehcho representatives affirmed that you are Dehcho Dene peoples, that you always have been, and always will be. In your words:

*Our original title to our territories, our place on this earth, is from our creator. We accept this along with the sacred responsibilities that come along with that title. We will always protect this.*

*Our ancestors welcome the forbears of today’s Canadians to Dehcho Dene territory, and offered to establish a Nation-to-Nation relationship with them based on principles of coexistence and sharing.*

*This is the intent of Treaty 11, which we honour to this day and seek to implement fully. All future agreements must be founded on the spirit and intent of Treaty 11.*

*We categorically reject extinguishment of any Dehcho Title, rights and responsibilities to Dehcho territories.*

Participants confirmed that the Dehcho vision has been consistent since Treaty 11 was signed: Dehcho peoples are open to sharing their lands with newcomers, and to enter relationships based on peace and friendship with Canada, but are not willing or able to give up their inherent rights to lands and resources that have always been theirs.

This vision been expressed consistently in the Dehcho Declaration (1993), the Dehcho Proposal to Canada (1998) and in the positions put forward by DFN negotiators within the Dehcho Process.

It was also recognized that Canada and the GNWT have not honoured the original vision that informed the negotiation of Treaty 11, and instead have sought to take control through their own institutions. Canada's mandates under the comprehensive claims policies continue to be based on the failed Dene/Metis agreement in the 1980s, and premised on the surrender of lands and the extinguishment of rights to achieve certainty.

Accomplishing the Dehcho vision will require the Dehcho to maintain their resolve in the face of Canada and the GNWT's positions, and work towards a different outcome than what Canada and the GNWT currently intend.

## Summary of Workshop Vision and Purpose Discussions:

1. Dehcho must **“be who we are”**. Dehcho language and culture must be a priority, with active land use, and opportunities for healing and cultural renewal.
2. The **nation-to-nation relationships** established in 1921 under Treaty 11 between Dehcho governments and the Crown must be restored. The Dehcho must engage Canada and the GNWT based on this understanding, and work towards recognition as a public government based on Dene laws, with shared responsibilities with the Crown for decision-making about lands and resources and the delivery of programs and services as defined through negotiations under the Dehcho Process.
3. Dehcho rights to their lands and waters cannot be surrendered or extinguished. The **integrity of Dehcho lands must be maintained** through negotiations.
4. The **Land Use Plan** provides a basis for shared management and decision-making in ways that will be environmentally and culturally sustainable, and must be implemented by all governments.
5. **Youth are the future** of the Dehcho, and must be meaningfully engaged with leadership and elders so that they understand the issues and can contribute to the work of advancing Dehcho rights and maintaining Dehcho lands and culture.
6. Dehcho communities and the region as a whole needs to become **self-sufficient and sustainable**. Meaningful employment and sustainable economic development can be achieved if Dehcho people are focused on meeting the real needs in their communities and supporting regional initiatives that advance self-sufficiency and sustainability.
7. **Just Do It!** Dehcho peoples have proven that they have the power and the resolve to accomplish their goals, and do not need the permission of other governments to act. Actions speak louder than words, and Dehcho actions to implement or achieve these goals will send a clear signal to other governments that Dehcho are serious about moving forward.

## Dehcho Priorities

Towards the vision and the goals, participants identified the following priorities:

1. Dehcho will proceed on the basis of unity. We will achieve our vision by involving our people at all levels of our work towards self-governance.
2. The Dehcho maintain a Treaty 11 relationship with the Crown, which is based on a Nation-to-Nation relationship.
3. The Dehcho will implement the Dehcho Land Use Plan. This plan balances the need for conservation with opportunities for sustainable resource development in a manner that meets the needs of the Dehcho and other Canadians.
4. The Dehcho K'ehodi will be a program for Dehcho communities to implement Dehcho objectives for actual land management. Dehcho K'ehodi will strengthen the Dene language for youth to enable their understanding of the Dene perspective of the land. Dehcho K'ehodi will assist to mentor and engage our youth with on-the-land programs.
5. The Dehcho will lay a foundation for a Dehcho Resource Management Authority by working together within the region to make decisions about sustainable resource development.
6. The Dehcho recognize that Canada's current comprehensive claims policy requires extinguishment, and mandates negotiators to seek alternative solutions based on reconciliation. This is in accordance with recent Supreme Court of Canada decisions on rights and title and international legal obligations under the United Nations Declaration on the Rights of Indigenous Peoples.
7. The Dehcho invite all levels of government as partners on our priorities, including collaboration with other Indigenous Governments and other Canadians.

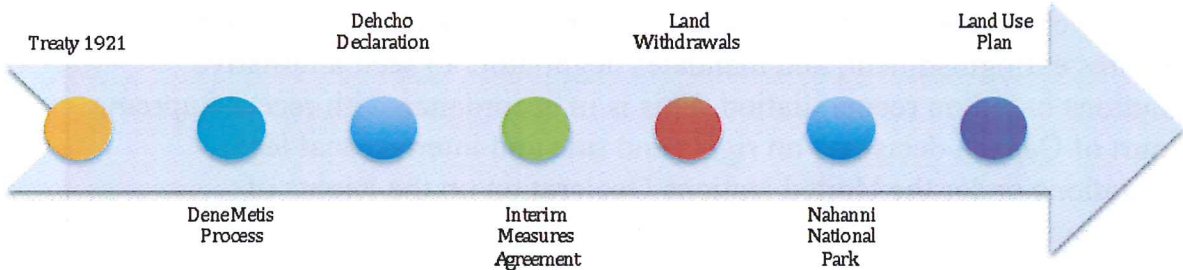
### Situational Analysis

Participants carefully considered the **strengths, weaknesses, challenges** and **opportunities** as they currently exist within and outside of the Dehcho in relation to achieving their goals and objectives.

This analysis was informed by a review of Dehcho history since 1921 to the Dehcho Declaration to the present. A detailed chronology (Appendix B) was presented in a plenary session by Chris Reid, DFN legal counsel, who narrated key events, including the Dehcho responses to the ultimatums on land quantum presented in early 2015 by the GNWT.

These developments were discussed by the participants. Many participants noted the significant accomplishments that Dehcho peoples have made in their negotiations since formally entering the negotiation process with Canada, including the achievement of an Interim Measures Agreement in 2001, an Interim Resource Development Agreement in 2003, leading to interim land withdrawals protecting key areas from development and the establishment of a land use planning process for the region.

Dehcho accomplishments are significant achievements, and have brought national attention to the Dehcho Process as a unique approach to resolving relationships between indigenous peoples and Crown governments, but the process has stalled as fundamental understandings have broken down as the mandates of the Crown governments have changed.



**Key Events in Dehcho negotiations**

One of the key points made by several participants during the discussion was that the Dehcho vision has been consistent since Treaty 11 was signed: Dehcho peoples are open to sharing their lands with newcomers and to enter relationships based on peace and friendship with Canada, but are not willing to give up lands and resources that have always been theirs.

Participants noted that the Dehcho Declaration and the 21 Common Ground principles for negotiations are based on Dene values, and reflect different objectives than are currently set out in Canada's comprehensive claims policy.

Significantly, participants noted that the major impasses in the negotiations followed the election of the Conservative government of Stephen Harper. Although the Harper government moved forward with the Nahanni Park Reserve expansion, it retreated from the principles of the Dehcho process and instead came forward with mandates based on extinguishment and surrender, rather than sharing and co-existence.

Participants observed that the recent election of the new Liberal government under Justin Trudeau appears to signal a break with that approach. The new Minister of Indigenous Affairs, Dr. Carolyn Bennett, is a long-term critic of the Conservative policies towards indigenous peoples, and has introduced her role as that of "Minister of Reconciliation". The appointment of former AFN Regional Chief for British Columbia, Jody Wilson-Raybould as Minister of Justice was also considered to be a positive sign that the new government intends to take a different approach.

Additionally, the GNWT is currently undergoing an election for the 18<sup>th</sup> Assembly. Participants expressed interest in making this election count for Dehcho, as the Dehcho region elects two MLAs. There was discussion – and action – this issue during the workshop, including a candidates forum hosted by the DFN for the candidates running in the Dehcho riding. Questions on the Dehcho Process and the GNWT's positions in negotiations were featured during the forum. All of the candidates at the Forum supported the Dehcho Process and the positions put forward by the Dehcho First Nations, and committed to doing what they could if elected to influence the next Cabinet and the decisions of the GNWT to review and amend its negotiation mandates and approaches to key issues relating to governance and land.

Other potential allies were identified in small group discussions, including other indigenous nations and organizations, non-governmental organizations, church groups, etc. Participants felt that alliances or coalitions with such groups as well as high profile individuals supporting indigenous rights could help the Dehcho

First Nations amplify its voice and support negotiation outcomes that would advance reconciliation and recognition, rather than surrender and extinguishment.

### **Gathering Strength:**

Based on the situational analysis, breakout groups worked to try to develop strategies to advance DFN goals and objectives based on their assessment of short-term and long-term opportunities and a resource assessment of the strengths as well as weaknesses in the Dehcho First Nations position and approach.

Participants identified several key short-term objectives to build on **UNITY** among the Dehcho First Nations and **CLARITY** on the outcomes that Dehcho are seeking important strengths that have served the communities well in achieving key outcomes in past. These objectives are a basis on which the Dehcho First Nations can develop and execute successful strategies and tactics in the coming months.

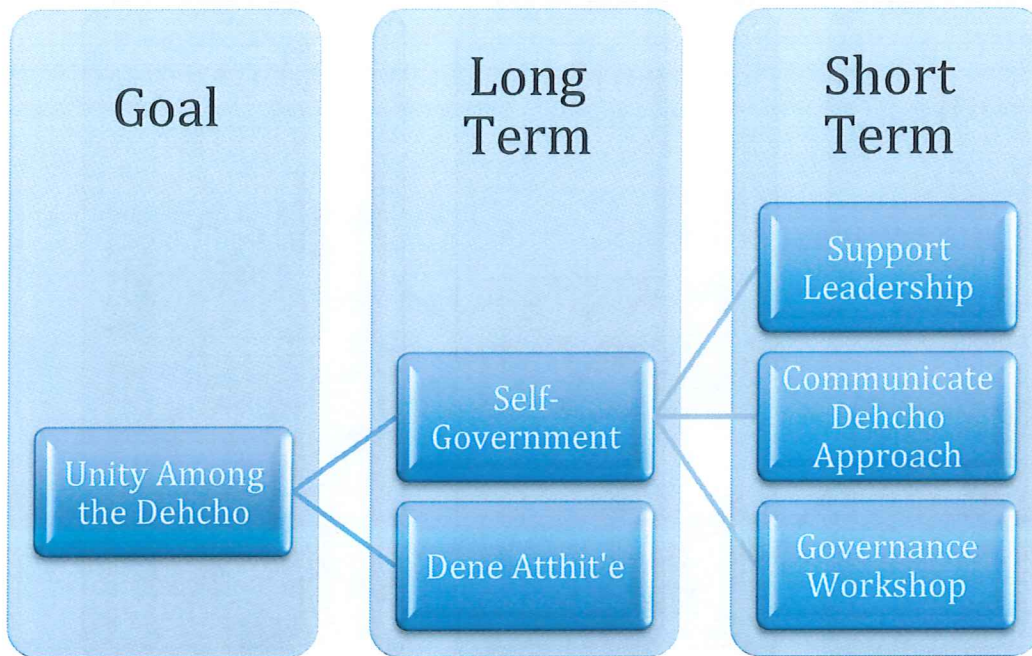
1. Demonstrate unity among the Dehcho First Nations and commitments to Dene Atthit'e.
2. Clarify Treaty relationships with Canada and confirm negotiation mandates on the basis of recognition and reconciliation, rather than extinguishment and exclusion.
3. Assert Dehcho rights by supporting language and land use, and implementing governance "on the ground".
4. Build external alliances with other indigenous and non-indigenous groups who support Dehcho goals.

### **Strategies for Success:**

Participants recognized that advancing Dehcho objectives is a collective responsibility. Breakout groups considered each of the above objectives for the purpose of identifying **actions** that could be taken to advance DFN objectives. A plenary discussion among the whole group then followed in which there was discussion about who could take lead roles and responsibilities for accomplishing each action.



## 1. Unity Among the Dehcho First Nations



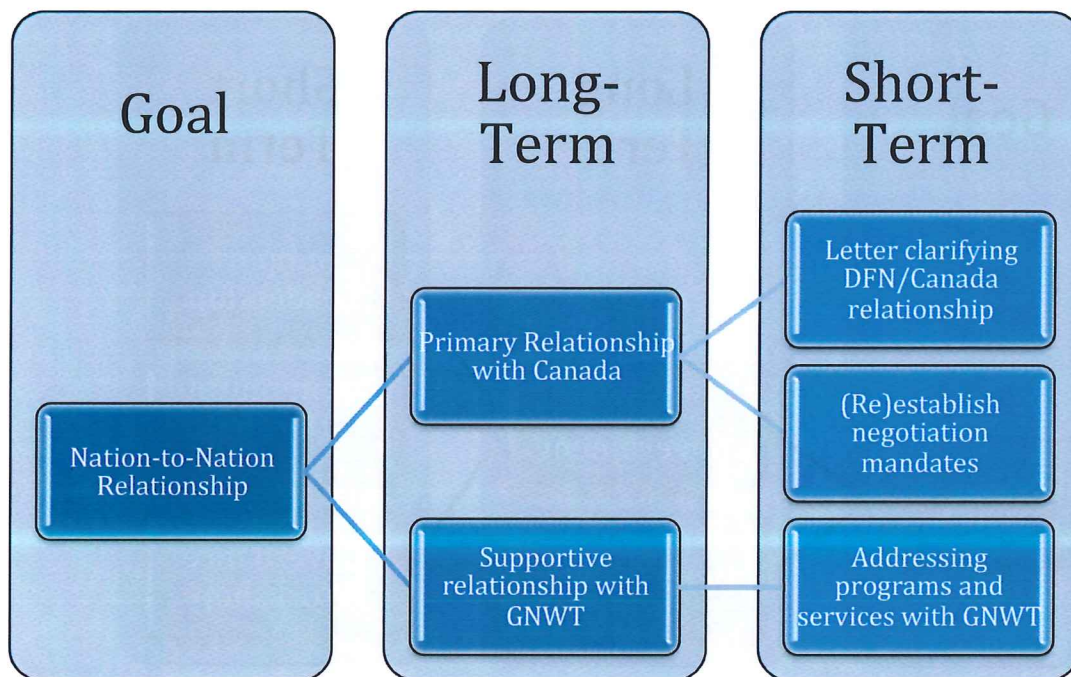
Participants recognized that the objective of unity among the Dehcho First Nations was best achieved through commitments to self-government and self-determination, and to living as Dehcho peoples under Dene laws and in accordance with the unique Dehcho way of life.

In the short term, participants believed that it was necessary to support leadership at all levels within their communities and within the region, and to recommit to working in a way that is consistent with Dehcho values.

Specific short term actions were also identified:

- a. Committing to using Dene Zhathi in meetings and workshops, including leadership meetings and in reports to community members.
- b. Communicating the outcomes of meetings and workshops in Dene Zhathi online and through radio broadcasts.
- c. Conducting workshops to help people in the communities celebrate and practice the Dehcho way of life. Chief G. Norwegian committed to advancing this action, with the support of the DFN. A proposal will be drafted and advanced at the next workshop or at the Winter Leadership meetings of the DFN.
- d. Addressing leadership protocols and decision-making processes through a follow-up governance workshop to be held within the next few months to support unity among the leadership and communities as specific steps are taken to advance the Dehcho Process.

## 2. Clarifying Treaty Relationships and Negotiation Mandates



Participants focused on the Dehcho understanding of Treaty 11 as being the foundation of the nation-to-nation relationship with Canada, but recognized that Canada's practices and policies over the past 95 years have not been consistent with this understanding. There is a tremendous amount of history to address, including the impacts of residential schools and the social consequences of these failed policies within the communities, to restore a healthy nation-to-nation relationship.

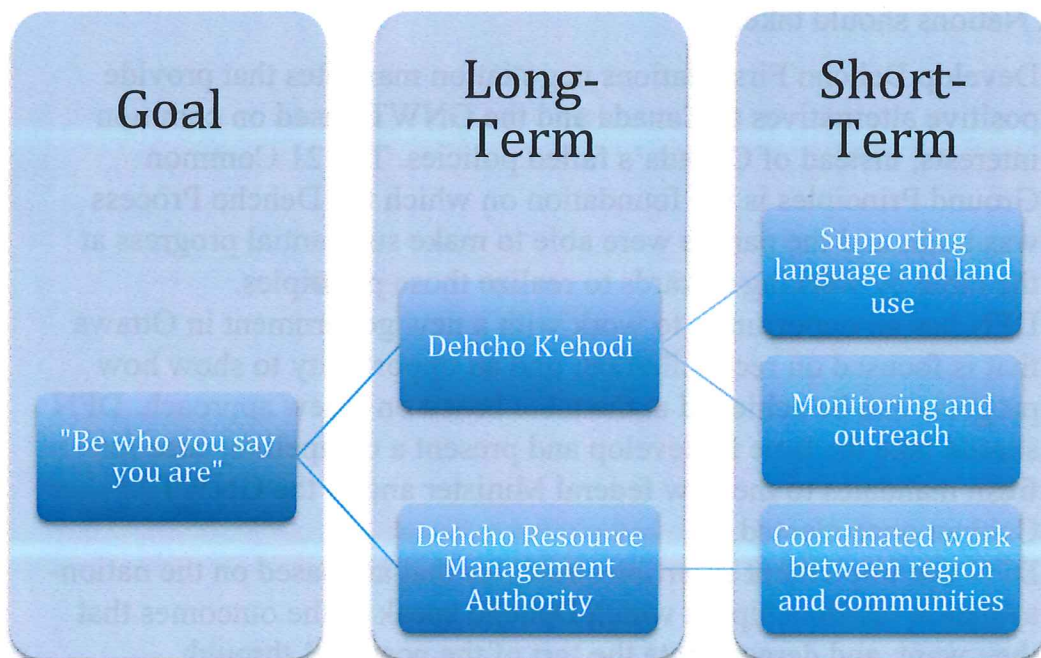
The primary issue to be addressed is the need for Canada to engage in negotiations on the basis of reconciliation and recognition, rather than surrender and extinguishment. This is what recent Supreme Court of Canada decisions have underlined as being the purpose of s.35 of the *Constitution Act*, 1982, and reflects the international consensus set out in the *International Declaration on the Rights of Indigenous Peoples*.

Participants also addressed the role of the GNWT, recognizing that with devolution, the GNWT has assumed a greater role in negotiations on land and resource matter than was contemplated in the 2001 Framework Agreement. This issue needs to be addressed with both Canada and the GNWT in order for the negotiations to proceed, so that the proper relationships and protocols can be followed. The Dehcho recognize that GNWT has a role to play, but as a junior partner in the treaty process.

Participants identified the following actions as being short-term steps that the Dehcho First Nations should take:

- a) Develop Dehcho First Nations negotiation mandates that provide positive alternatives to Canada and the GNWT based on common interests, instead of Canada's failed policies. The 21 Common Ground Principles is the foundation on which the Dehcho Process was built, and the parties were able to make substantial progress at the table by working towards to realize those principles.
- b) DFN has an opportunity to work with a new government in Ottawa that is focused on reconciliation, and an opportunity to show how progress can be achieved at the table based on a new approach. DFN should take the time to develop and present a compelling case for fresh mandates to the new federal Minister and to the GNWT Cabinet once elected.
- c) DFN can implement assertion strategies that are based on the nation-to-nation relationship, in which Dehcho speak to the outcomes that they want, and demonstrate the 'art of the possible' through constructive engagement and principled approaches to negotiations based on real interests and alternatives, instead of positions.
- d) Other specific short term actions include:
  1. Providing a summary of accomplishments under the Dehcho Process to the new federal minister that highlights progress to date, while identifying the impasses that exist as a result of Canada and the GNWT's inflexibility on the question of land quantum and land selections and the policies of extinguishment. This could be developed by the negotiation team and submitted by the Grand Chief on behalf of the DFNs.
  2. Proposing clear alternatives to Canada and the GNWT to realize shared interests and shared decision-making over lands and resources in the Dehcho, based on mutual recognition and sharing based on defined rights and relationships, rather than extinguishment. This could be developed by the negotiation team and presented to leadership in advance of the resumption of Dehcho Process negotiations, and would inform both the 're-boot' of the Dehcho Process and the mandates for DFN's negotiators.
  3. Engagement in outreach and lobbying efforts with federal MP (Michael McLeod), the Liberal Senator (Nick Sibbiston) and with MLA candidates, including the incumbents and the Premier.

### 3. Assertion Strategies



Participants considered examples from their own recent history and other areas (Haida Gwaii) where indigenous peoples have asserted their own presence and jurisdictions through direct engagement with governments and resource users. Participants noted several recent examples where Dehcho assertion strategies on mineral exploration and hunting have been successful in changing practices and supporting Dehcho rights.

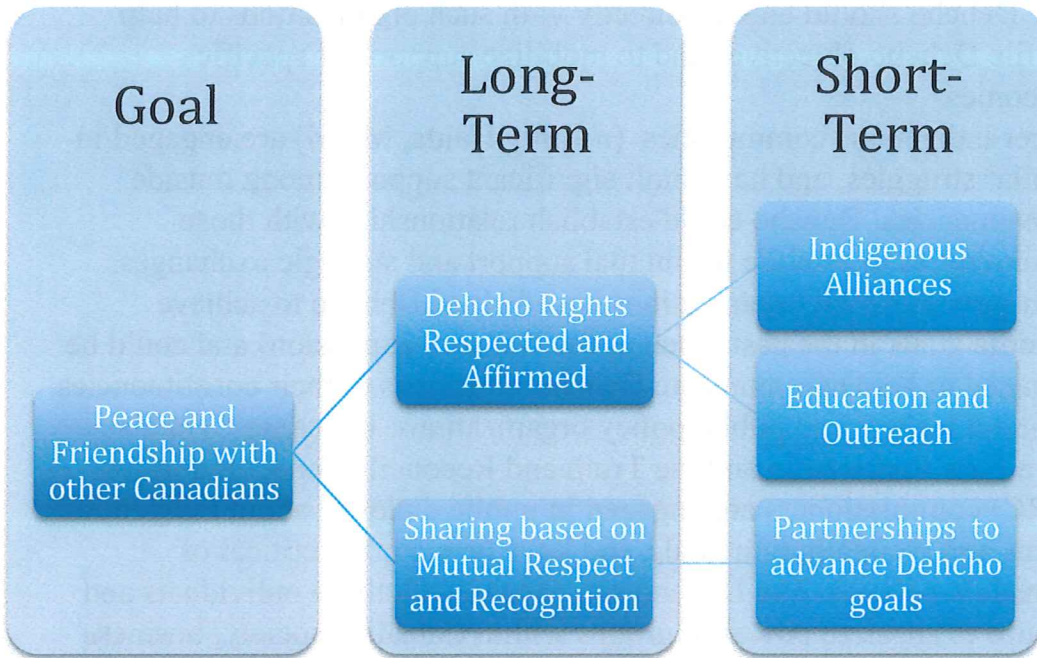
Participants supported the idea of early implementation of the Dehcho K'ehodi program as a mechanism for implementing key elements of the Dehcho Land Use Plan, strengthening the use of language and land-based skills among youth, and engaging Dehcho members in active land management, monitoring and outreach to other users and groups. These activities would create employment, build awareness and support for Dehcho rights among Canadians who support indigenous rights and environmental stewardship, demonstrate Dehcho governance, and support wellness among participants.

Youth engagement was seen as being key to successful assertion strategies, as is the involvement of Elders and land users in passing on Dene laws, knowledge and skills to younger generations or those who have not been able to maintain a close connection to the land.

Specific actions were proposed, including:

1. Mandating the DFN Regional Office (D. Tsetso) to further advance the Dehcho K'ehodi program, and to take the necessary steps to identify funding and other support necessary to make it a reality.
2. Mandating the DFN Regional Office (D. Tsetso) to engage with the community land and resource staff to coordinate regional land and resource policy development, respond to development proposals, and communicate a common position among Dehcho communities to other governments and resource users.
3. Engaging youth representatives in this work. William McPherson volunteered to coordinate youth participation in Ft. Simpson.

**4. Building External Alliances**



Participants recognized that the realization of Dehcho goals can be greatly assisted with the support of other indigenous peoples and other Canadians within and outside of the Dehcho region and the NWT. Recent Dehcho successes, such as the expansion of the Nahanni National Park Reserve and the protection of key areas through partnerships under the NWT Protected Area Strategy with ENGOS and other groups were cited as examples of how such alliances can work.

Discussions in the small groups and in plenary sessions identified a number of strategies and actions that could be taken in the short-term to build and sustain external alliances, including:

1. Identifying opportunities to work effectively with the new federal and territorial governments on common goals. Advancing the Dehcho Land Use Plan finalizing the PAS areas of Edehzhie, Samba K'e and Kag'ee Tu, and establishing partnerships for environmental monitoring and protection of water were all identified as potential opportunities.
2. Developing communication materials to educate and inform people about the Dehcho peoples, their vision and goals within the Dehcho Process.
3. Outreach by youth through social networks and face-to-face relationships was identified as an immediate opportunity to build common ground and increase public profile and support for the Dehcho.
4. Indigenous organizations such as Dene Nahjo are already engaged in public outreach and awareness building among settler communities. The Dehcho should engage directly with such organizations to help profile Dehcho objectives and to mobilize support for specific outcomes.
5. Other indigenous communities (notably Haida, Maori) are engaged in similar struggles, and have built significant support among outside constituencies. Dehcho could establish relationships with those communities to provide for mutual support and strategic exchanges.
6. Non-governmental organizations have helped Dehcho to achieve specific goals in the past (such as the Nahanni expansion) and could be engaged to help communicate Dehcho objectives to their constituencies.
7. Opinion leaders and public policy organizations, including Canadians for a New Partnership and the Truth and Reconciliation Commission (TRC) commissioners are engaged in public dialogue about indigenous rights and reconciliation goals, and have been highly critical of Canada's policies. The Dehcho can engage with these individuals and groups to speak to powerful groups within Canadian society, business and government circles about the opportunities and challenges within the Dehcho process.
8. Political figures, including Senator Sibbiston and MP Michael McLeod, can be champions for the Dehcho within government, and should be engaged in the work of building external allies.
9. Media campaigns provide opportunities for Dehcho leaders to actively promote and engaging with reporters and editorialists about Dehcho goals. A media strategy should be developed to engage with media, and media training should be offered to Dehcho leaders and spokespersons.

## **Governance and Accountability**

Participants identified governance issues and accountability among the leadership, negotiation team, and community members for advancing strategic objectives as issues that needed to be addressed in subsequent workshop.

It was proposed that DFN organize a subsequent meeting to further review and to make decisions on the mandates and directives identified in this workshop, and to consider how the questions of capacity, resources, communication and accountability can best be addressed.

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This document is a summary prepared by the facilitators of the workshop proceedings, and is not intended to be a complete record. The information, views and opinions expressed in this document are, unless otherwise noted, not attributed to individual participants, and may not completely or accurately reflect the positions of the Dehcho First Nations or any workshop participants. Any errors or omissions in the document are the responsibility of the facilitators.





## Greg Nyuli

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**From:** Alison de Pelham  
**Sent:** December-02-15 9:18 AM  
**To:** Greg Nyuli  
**Subject:** Workshop Report  
**Attachments:** 151123 - Facilitators Report DFN Strategic and Tactical Workshop 2015 final.pdf

Greg

Could you please circulate the attached Final Report to the DFN Leadership. Also, the Grand Chief would like a leadership call set up for December 14, 2015. Thank you. Alison

