

DEH CHO PROCESS NEGOTIATIONS

Bilateral Talks

Information Update
December 1999

The Deh Cho Process is:

- A process to move the Deh Cho Proposal forward
- A process based on our Treaty and Aboriginal Rights & Titles
- A process based on the Deh Cho Declaration of 1993

Currently, the Deh Cho First Nations are involved in Bilateral Talks in two phases with Canada:

- Bilateral Talks are between Deh Cho and Canada
- Is based on the 21 Common Ground Principles
- At this point, Deh Cho and Canada are in Phase One negotiations that are meant to reach agreements of funding, Interim Protection, and a Framework
- Phase One Talks will continue till March 2000
- Phase Two will be the actual substantive negotiations, aiming to reach agreements on an Agreement-in-Principle and a Final Agreement

We view Funding, Interim Protection, and a Framework of Phase One, as pre-conditions and whether Canada can meet our positions. Further, we look upon Phase One as scoping sessions, to find out the possibilities with Canada and if Canada is truly sincere and faithful to negotiate with Deh Cho in a fair and equitable manner.

What are the Deh Cho First Nation's goals for the Bilateral Talks with Canada?

- To reach agreements on Funding, Interim Protection, a Framework Agreement in Phase One
- To reach agreements on an Agreement-in-Principle, Sub-Agreements, and a Final Agreement in Phase Two
- To protect our land as the most important resource, and
- To create a Dene Government based on Dene values and customs

The Deh Cho First Nations are moving forward. Our membership wanted Deh Cho to move forward in 1997 and that is what we are doing. We have not moved from our positions. Rather, we are taking on different strategies and approaches to move the Deh Cho Process forward.

Our Negotiations Team consists of Chief Negotiator Chris Reid, Assistant Negotiator and Land Use Occupancy Coordinator Herb Norwegian, Mapping Technician Jeff Pandke, and Secretary Leona Louie. Chief Negotiator Chris Reid is a Metis from Southern Ontario and a Lawyer with extensive experience in litigation and negotiations. We may consider expanding our Negotiations Team in Phase Two.

Recently, the Deh Cho Negotiations Team and Federal Negotiators met twice in Bilateral Talks:

- November 4-6, 1999 in Fort Providence
- September 17-18, 1999 in Fort Simpson

Key issues in Phase One of the Bilateral Talks include:

- Funding
- Interim Protection
- And a Framework

In the recent Bilateral Talks in Fort Providence, November 4-6, 1999, Deh Cho and Federal Negotiators further discussed Interim Protection and tabled a Draft Framework Agreement with Federal Negotiators. The Deh Cho First Nations view Interim Protection as the important issue in Phase One.

On September 17, 1999, Federal Negotiators presented their view of Interim Protection. The initial concepts presented on Interim Protection by Federal Negotiators were received positively by Deh Cho Negotiators. The Federal concept of Interim Protection was thought to be only achievable after a Framework Agreement. The Deh Cho pushed Canada to discuss Interim Protection Agreement before a Framework Agreement.

Deh Cho First Nations prefer to protect all of their lands in the Interim Protection Agreement. However, the Federal Government's position is that:

- Only certain lands, not all of our lands, can be protected
- That Interim Protection be based on the Mackenzie Valley Resource Management Act
- A Mini-Panel, comprised of Deh Cho and Government representatives, be set up to monitor Interim Protection
- They will respect the Deh Cho Moratorium of August 1997

A Framework Agreement spells out the negotiating process, time frame, dispute mechanisms, and the parties to negotiations. Deh Cho prefers Bilateral Talks between Deh Cho and Canada in a Framework Agreement. In the Draft Framework Agreement, the Deh Cho prefers that membership be both Dene and Metis descendants, reflect the principles of the 21 Common Ground Principles, and the Deh Cho Declaration of 1993. The Federal Government's position is that:

- The 21 Common Ground Principles have not been fully accepted by the Federal Government
- They view the Deh Cho Boundary as a working definition that will be determined in Phase Two
- They will respond to the Draft Framework Agreement in the next session
- They insist that the GNWT be involved in the Deh Cho Process negotiations

Deh Cho prefers a Funding Arrangement for negotiations that is fair and equitable, no loan funding, and publicly financed. Deh Cho First Nations feel that funding for negotiations should be adequate enough to keep our people informed and involved. We also prefer a publicly financed funding arrangement. We do not prefer loans for Deh Cho Process Negotiations. We are weary of the Federal Government using Funding as a negotiating tool against us. The Federal Government is:

- ❑ Funding Phase One Negotiations through Negotiations Preparedness Funding Arrangement, which includes Negotiations and Capacity Building Negotiations Preparedness Funding is a contribution. It is meant to last till March 2000
- ❑ The Federal Government also has available, Land Claim and Self-Government Funding, both not preferred by Deh Cho First Nations at this time

Some key issues that the Deh Cho Process face include:

- ❑ Involvement of GNWT in Deh Cho Process, if any
- ❑ Development interests by Industry for Deh Cho Minerals, Oil and Gas
- ❑ Resource Revenue Sharing
- ❑ Mackenzie Valley Resource Management Act
- ❑ And Federal thinking

In the New Year, tentatively, we anticipate to carry out the following initiatives:

- ❑ A Winter Leadership Meeting
- ❑ A GNWT Workshop
- ❑ Third Bilateral Talks between Deh Cho and Federal Negotiators
- ❑ A Gathering to discuss our Land
- ❑ 2000 Deh Cho Annual Assembly in Kakisa

In early 1998, exploratory discussions began between the Deh Cho Team and Ministerial Envoy, to find common ground between Deh Cho and Canada. As a result, 21 Common Ground Principles were identified by both the Deh Cho Team and Ministerial Envoy. The 1998 Annual Assembly in Pehdzeh Ki, the Special Assembly of October 1998, 1999 Annual Assembly in Kakisa, and a series of Leadership Meetings, brought us to this point.

Our Bilateral Talks between Deh Cho First Nations and Canada of Phase One Negotiations can be described as positive yet cautious. We are hopeful that our interests are finally being dealt with at the negotiating table. We are cautious because we do not know the extent of Canada's preparedness to compromise to meet Deh Cho interests. Both Deh Cho and Canada agree that our Bilateral Talks should build on trust at this stage.

If you want further information or details on the Deh Cho Process and Negotiations, please contact the following:

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We encourage you to also contact your local Dene Chief or Metis President of your respective Band Council or Metis Nation Board in your community.