

**PLANNING COMMITTEE MEETING
AUGUST 18 & 19, 1999 IN FORT SIMPSON**

ISSUES IDENTIFIED WITH DIRECTION FROM THE PLANNING COMMITTEE
FOR DEALING WITH THEM:

Workshops to develop the Deh Cho Proposal.

These are to identify community issues and standards for delivery and to cost the delivery of governance according to the Deh Cho Proposal.

These were approved by resolution 99Jan03

The Planning Committee recommended that work to secure funds and to implement this strategy continue.

Acho Dene Koe Memorandum

The memo from ADK was reviewed along with the letter from Chief Harry Deneron responding to the Grand Chief's letter following the Assembly in Kakisa.

Chief Deneron restated eight conditions for his return to active participation in DCFN:

1. Agreement on the brokerage of jurisdictions, authorities and resources between a future regional and existing local governments.

Discussion directed that this item is a constitutional one but that it falls within the scope of present protocols which recognize that each First Nation member organization of DCFN is autonomous in its' own land base with its' own resources.

2. Review of DCFN to insure that it serves all the interests of the individual First Nations.

This review was completed two years ago and resulted in the current structure. Chief Deneron has to be informed of the results of the review as he has not been involved in the process for several years.

3. Settlement of internal problems within the DCFN leadership.

This point was not clear to the Planning Committee. Questions raised: Are the problems those of overlapping members within the member organizations? Are the problems personal ones between some leaders? Chief Deneron is to asked for greater clarity on this matter.

With reference to overlapping members, the work is proceeding well. Most member organizations have submitted their lists which have been entered into a master data base. To date 47 individuals have been identified who are on more than one list. When this process is completed direction will be sought from leadership on protocol to proceed to clear this item up.

Further to resident members, there are beneficiaries, whose families lived here prior to 1921, who are now living down South. We will also need to identify them.

4. Devise a more functional and accountable representational body to serve individual bands.

This work has been done. Since the responsibilities of Executive Director have been divided, a lot more attention and development to meet open, transparent and accountable criteria have been met through the development of extensive policies to control administration and the application of accounting and reporting standards which according to the management study recently concluded, exceeds standards required by government. Chief Deneron has to be advised of this.

5. A time limit of 3-6 months will be set for DCFN to get a claims mandate; once this has expired a mandate specific to ADK becomes immediately activated.

The Planning Committee recommended an open door on this. Discussion raised the point that this may be unrealistic if understood to mean a mandate from the federal side.

If the point means a mandate from our Assembly, then that had been achieved in the Fort Providence Special Assembly last October, 1998. Again Chief Deneron may not have been aware of the decision to proceed to negotiations on the basis of the 21 principles of common ground and the former Minister of Indian Affairs agreed.

6. Interim measures, pre-implementation and boundary resolutions should be initiated ASAP to protect ADK – ADK must have autonomy in this process – other bands will benefit if they opt in.

This is also a constitutional issue. It fits within current protocols as outlined in response to item 1. Above.

7. ADK Negotiating team will represent ADK at all negotiations; no negotiated outcome will apply to ADK unless ADK approval is given.

Members held that ADK would be involved as other member organizations are. This is made more clear in light of the structure of the negotiating team which provides for an elected leader and an elder to be present at all negotiations on a rotational basis.

Further to that, (NOT DISCUSSED BY PLANNING BUT FOR YOUR CONSIDERATION) all agreements will have to be ratified by the beneficiaries.

8. Moneys and other resources will be specifically ear-marked for the ADK's negotiating team during the entire negotiating process. *To date, \$50,000 has been ear-marked for ADK. DCFN has not yet received the funds. Terms of the transfer will determine if we can transfer in block to ADK. If not Chief Deneron could hire who he wants and we could pay that person from DCFN.*

Recommendation from the Planning Committee for a letter to be written to Robin Aitken to contain the following points:

- *Explain our protocol*
- *Appears feds are playing us off each other to weaken both positions*
- *It is up to Chief Deneron to move towards us.*
- *We will be taking the motion from the Liard Leadership Assembly accepting ADK's MOU and the MOU back to the Leadership in October*
- *We are not disagreeing to work with Chief Deneron.*
- *Chief Deneron does not show up at our meetings.*
- *We will ask the Elders to go to Fort Liard to meet with Chief Deneron.*

Budget Issues:

A brief overview was given of the budgets which had been submitted to the Treasury Board and DIAND for this process. The Committee was advised that the strategic development as well as the funds we requested to implement it was ignore. The amounts requested were:

\$ 800,000 for lands use & occupancy research work.

\$2,800,000 for workshops, communications and professional review

DIAND responded with \$300,000 then added \$50,000 for ADK and recommended we apply for \$400,000 from capacity building funds.

Restructure the budgets according to direction from this work.

Resubmit budgets for the workshops.

Status of The Hay River Reserve:

This was discussed briefly.

The reserve is not a full status reserve. It does not cause restrictions to other member organizations. Retains full membership in DCFN.

Status of the Mountain Dene:

This was discussed briefly. Because information is sketchy Committee asked for the following:

1. *A letter be written to the Sahtu Secretariat and asking for a copy of their membership. – A person cannot belong to two nations.*

2. *Bring this item back to the Planning Committee for recommendation once adequate information is available.*

DCFN & THE SOCIETY'S ACT OF GNWT

Discussion:

- Originally the Tribal Council was set up as a society under the GNWT Society's Act so that it could receive funds from DIAND.
- The Bylaws have been redrafted to reflect operations and changes since DCFN came into being with a 28 members leadership and a Grand Chief.
- According to our Management Self Study, these changes were to have been ratified by an Annual Assembly and filed with the GNWT Registrar of Societies. This was not done.
- Bylaws are put in place by the Assembly to control operations.
- Having it registered with GNWT is an inherent contradiction to our process, placing the GNWT Minister responsible for societies over our Assembly and Leadership.
- Chris stated that an unincorporated body can get funding. If DCFN would take its' stand, the government will turn a blind eye.

NO RECOMMENDATIONS WERE MADE ON HOW TO PROCEED ON THIS POINT.

DCFN – GNWT Relationship

Discussion on this item raised the following points:

- To develop a strong relationship
- To participate in a Task Force to be headed up by Premier and Grand Chief.
- To seek detailed agreements and understanding.

Discussion raised the following issues:

- This is a political position shift.
- Raises concerns from the Treaty and Declaration levels.

Needs ratification of an Assembly before proceeding.

Respond to Premier Antoine's letter with the following points:

- *The mandate to talk to GNWT was from the leadership only.*
- *This is a shift in political position which oversteps direction from the Assembly.*
- *However, we are interested to continue to look for options and how they can help.*
- *We will have to evaluate after that if we should continue.*
- *Our Task Force Team Members will be selected after Grand Chief Michael Nadli returns from holidays.*

- Resolution 99Apr08 Roles & Responsibilities of Planning Committee**
 Discussion raised two areas which need further consideration:

 - Assess roles & responsibilities of our governing bodies
 - Develop a negotiations process for review of 99 Assembly

It was recommended that this resolution be referred to the next Leadership Assembly.

- Review Present Structure.**
 Discussion at this point and in other areas resulted in recommendations for changes to the organizational chart. A redrafted organizational chart based on the recommendations here and elsewhere in this report is attached.

The Planning Committee is a temporary one which will dissolve when negotiations have begun.
The Executive Committee retains its authority of daily operations
The need to remember that we operate as a team is necessary for good working relations.

- How Shall the Negotiating Team Fit Into DCFN Structure?**
 Discussion recommended as follows:

The Chief Negotiator reports to the Grand Chief on policy and negotiations items.
The Director: Executive & Political Development and the Comptroller need input to decisions affecting funds and daily operations.
The Communications Coordinator reports to Chief Negotiator for policy and information for release and to Director: Executive & Political Development for administrative matters.
The Coordinator of Lands Use reports to the Chief Negotiator for policy and to the Director: Executive & Political Development for administrative matters.

- Executive Committee Members At Large**
 Members were advised that the positions were advertized.
Applicants are to be given to the Planning Committee for screening
Those recommended for interviews are to be brought to the Leadership Assembly in Hay River during the week of October 4th.

- Elder's Senate**
 Discussion identified the following facts and made the following recommendations:

Naxe'cho is in existence from Assembly resolution
Structure budget from CORE dollars for four seasonal meetings which will be held prior to leadership assemblies

Structure budget from negotiating dollars to provide for elder's involvement at all levels, in all meetings.

Use conference calls.

DCRMA

Discussion on this topic was based in part on the wording of the draft resolution, which was tabled in Kakisa. It raised questions with reference to both the use of the word "AUTHORITY" in the title and as to its structural relationship to DCFN.

Use a different word. Authority is too strong. It will not be the deciding body. The DCRMA (advisory body?) will connect into DCFN via Coordinator of Lands who reports to both Chief Negotiator and Director Executive & Political Development.

DCRMA falls under daily operations as overseen by the Executive Committee

At this point in the discussions, the Planning Committee began considering the points raised by Robin Aitken in his June 10th memorandum. The points and recommendations are as follows:

Time Frame for the Establishment of the Planning Committee

This is done.

The Planning Committee came into being by motion of the Leadership on October 9th, 1998.

A report of the proceedings of the Planning Committee can be made available to Robin Aitken if so desired. Please let me know you wish. It could be ready to give him at the September 17th meeting.

Travel to meet the Member Organizations.

This was done.

Work of the Deh Cho Team and our transcripts and resolutions support this.

Formation of political position for all communities.

This was done.

Work of the Deh Cho team and our transcripts and resolutions support this.

Consult and explain our negotiations process to our communities.

Discussion directed this process as follows:

Implement to process of the workshops to ensure community direction in the negotiations and implementation of all areas of governance identified in the Deh Cho Process.

- Identify subject matter for negotiations.**
 Discussion directed as follows:
The Deh Cho Proposal and its' development via workshops will take care of this.
- Confirm negotiations framework through a Special Assembly.**
 Discussion indicated the following:
*It is too pre-mature to set a date for a Special Assembly.
 This can be budgeted for and set easily enough by conference call when needed.*
- A Demonstration of Community Support.**
 Discussion recommended the following:
*A package is needed which includes all relevant Leadership and Assembly Resolutions.
 A request for BCRs, Order In Council, and Metis resolutions of support should be made and included with the DCFN resolutions.*
- Other sources of DCFN funds for similar work.**
 Discussion identified Pro Bono work which should be spelled out and GNWT funds for lands, boundary, language work.
*Ratio of Chief Negotiators pay to his regular rates.
 Volunteer work from community members.*
- Define Deh Cho Region while addressing overlap issues.**
 Discussion was limited. This is ongoing work which needs proper funding.
*Boundary work of the land's coordinator
 Compilation of existing research to identify extent of land use by communities.
 Need a technician to do the mapping work in house.*
- Development of positions/interests respecting land and resources.**
 The points in this section raised some confusion.
The whole section was referred to Chris Reid for follow-up to seek more clarity.
 The points in question are:

 1. Develop a structure for DCRMA
 2. How will land and resources be managed in the Deh Cho?
 3. What will be the relationship between DCRMA, Deh Cho Government, federal and territorial government?
 4. Will lands be managed on a community or regional basis?
 5. Coordinate land use planning efforts at the community level.

6. Review present federal & territorial statutes & regulations as they pertain to interim measures and AIP negotiations.
7. Mandate development & approval for assemblies
8. Staff training in areas such as mapping, resource management, and negotiating skills.

What are the short term outputs?

Discussion settled on the deliverables for Phase One.

Lands protection mechanism

Public funding arrangement/agreement for Phase Two

A Framework Agreement

Other areas Planning Committee Members might consider:

Better informed and involved citizens

Better informed leadership

The building of a more trusting relationship between DCFN & Canada

What are the longer term outcomes?

Discussion identified Phase Two, negotiated agreements on all areas of governance in the Deh Cho Proposal and the implementation of those agreement resulting in a public government in the Deh Cho based on Dene law and custom.

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| 1. <i>Financial regime including public funds and resource revenue</i> | 3. <i>Natural Resources Management</i> |
| 2. <i>Land Use Management</i> | 5. <i>Political Development</i> |
| 4. <i>Environmental Management</i> | 7. <i>Legislative Functions</i> |
| 6. <i>Media and Communications</i> | 9. <i>Housing</i> |
| 8. <i>Economic Development</i> | 11. <i>Community Infrastructure</i> |
| 10. <i>Public Works</i> | 13. <i>Business and Gaming</i> |
| 12. <i>Transportation</i> | 15. <i>Health and Healing</i> |
| 14. <i>Social Services</i> | 17. <i>Education</i> |
| 16. <i>Justice</i> | 19. <i>Human Resources</i> |
| 18. <i>Capacity Building</i> | 21. <i>Structures of Government</i> |
| 20. <i>Language</i> | |
| 22. <i>Individual and collective rights including residency</i> | |
| 23. <i>Selection of leadership</i> | |

How will staff training be accomplished?

Discussion:

Training on the Job.



What is the current capacity of DCFN to negotiate with reference to:

- Community/regional capacity building, including training Deh Cho citizens, development strategic plans, etc...
- Institutional capacity building, including establishing resource management structures within community / region.
- Joint Ventures.

Discussion identified:

1. *The Deh Cho Proposal development workshops result is specific recommendations for both process and institutional development, operations of which are then costed to give us a clear picture of what will be done, how it will be done, through which institutional mechanisms our community members want them done, and how much it will cost.*
2. *The existing member organizations are already in place and experienced in the delivery of programs and services at the community level.*
3. *Each First Nation and Metis Local have their own economic development corporation to improve the economic opportunities of their members.*
4. *Some First Nations also have resource management committees which are very active in developing traditional land use interests and also involve themselves in work to protect their lands and resources. Usually these groups are made up from the membership which is still very active making their living in the traditional economy on the land.*
5. *DCFN is in the process of putting in place a resource management advisory body to assist with the technical work behind decisions on lands and resources. This is still in its developmental stage and has been referred to as DCRMA. It is the Planning Committee's recommendation that this body be an integral part of DCFN reporting via the lands coordinator.*
6. *The Deh Cho First Nations itself is an experienced political body with a management system which exceeds standards set by DIAND.*
7. *DCFN operates a contract for HRDC providing over a million dollars a year for training to our member organizations. Statistics from this process need to be compiled and made available to this current capacity building application.*
8. *Existing staff qualifications need to be made available for this application.*

Our Leadership have agreed to an open negotiating process so that our members are fully informed and so that the process is open to their involvement if they choose. Without an open process it is expected that any agreement achieved will not be accepted in the ratification stage.

The speed and efficiency with which we developed the 21 principles of common ground with the Ministerial Envoy also speaks to our capacity to negotiate, however, with an open process involving our members we will need to be constantly working to keep our citizens up to speed on the developments in the negotiations.

Although the Planning Committee did not discuss the 21 principles themselves in this session, they too raise significant numbers of issues

which will form the basis of some negotiations. These should be reviewed with that in mind.

Joint ventures have taken place with GNWT. These include the funding for our land use and occupancy research, and the language workshop.

Joint ventures are not foreign to economic development through the First Nations economic development corporations.

- Ongoing projects should be identified for 2000/2001 and 2001/2002.
Discussion identified:
The language development project.
The development of the Deh Cho Resources Management Advisory.

- Future Projects:
Discussion:
Other projects will be identified and made available to Canada as they develop either through negotiations or through workshop development and the availability of funds.

- Areas of Governance:
Discussion:
Refer to the Deh Cho Proposal and the Twenty One Principles of Common Ground.

- Monthly Expenditure Plan with Travel & Administration further defined.
Members agreed:
This will be prepared by Administration in redrafting the budgets.

- DCFN NEGOTIATING TEAM MEMBERS:
 - *Chief Negotiator*
 - *An Elder on a rotational basis*
 - *An Elected Leader on a rotational basis*
 - *A Youth on a rotational basis*
 - *The Lands Coordinator*
 - *The Communications Director*
 - *A Mapping Technician*
 - *A Mapping Tech Trainee*
 - *A Secretary*

Should the Grand Chief be at the Negotiating Table?

In the discussion Rene highlighted the negotiating screens which the federal government has in place and explained that to strengthen our negotiators at the table we need a similar level of screening. Chris Reid agreed. The screens are:

Federal government	DCFN
Parliament	Member Organizations
Cabinet	Annual Assembly
Privy Council	Naxe'cho Ke
DIAND (department)	Leadership Assembly
Comprehensive Claims Branch	Executive Committee
Negotiators	Negotiators

There was no recommendation from the Planning Committee on this point after the discussion from Rene and Chris.

Youth Criteria to Participate

Discussion resulted in the following recommendations:

- They have to organize themselves in each community*
- They have to elect their representative to the negotiating team rotating position*
- They have to study the material on the Deh. Cho Process*
- They have to give regular updates in their schools.*

International Lobby

Discussion gave the following direction:

- Members asked for the copies of the four papers submitted to the UN.*
- Members are expectant of a call from Sharon Venne on whether or not the UN representative studying Indigenous Lands is able to come. They expressed interest in meeting with her possibly during the October Leadership Assembly in Hay River.*

These are the issues and the direction for dealing with them as they were given by members of the Planning Committee during their meeting in Fort Simpson August 18 and 19, 1999.