

EDMONTON NEGOTIATIONS BRIEFING NOTES

These briefing notes have been prepared by the Dehcho First Nations communications staff to inform DFN Leaders and members of the talks between DFN, Canada and the GNWT. They are intended as notes and not as detailed minutes or analysis, but simply for information. The negotiation session was held in Edmonton, December 18-C 19, 2006.

Special Assembly

Chief DFN negotiator Georges Erasmus gave an overview of the Nov. 28-30, 2006 Special Assembly held at Fort Simpson just two weeks before this session. He discussed the Assembly's new mandate given to their negotiators regarding the "exploration" of land settlement and other resolutions. (For details see the 2006 Chronology under "Negotiations" at www.dehchofirstnations.com.)

- Any final agreement will recognize, affirm, clarify and build on Aboriginal and Treaties' 11 and 8 and not through extinguishment of rights;
- Reaffirmed Dehcho Proposal which rejects land selection and achieves certainty through shared stewardship of the whole Dehcho territory;
- However, DFN will hold exploratory discussions an Agreement-in-Principle which may be based on the selection of surface and subsurface lands;
- Timely implementation of the Land Use Plan (LUP) and the on-going role of the Land Use Planning Committee (LUPC) will continue;
- Agreements will balance conservation values and long term sustainable economic development;
- Agreement in Principle (AiP) negotiations to address self-government and jurisdiction relating to lands and resources, appropriate for the needs and circumstances of the Dehcho Dene; and
- AiP negotiations will determine governing structures and jurisdictions at both the regional and community levels based on the inherent rights of Dehcho Dene to self-government and self determination under Section 35 of the *Constitution Act, 1982*.

Canada's chief negotiator, Tim Christian, responded that his mandate was to make rapid progress towards an AiP, at least by June 2007 but he expressed dissatisfaction with the report of the LUPC, suggesting it was overbalanced by conservation vis-à-vis economic development lands. Christian also expressed problems with the committee's membership and said it was biased in favour of the Dehcho. He suggested the work of the LUPC was over and that it could be dismantled, leaving only its research and expertise.

The DFN strenuously rejected any closing of the LUPC since it was jointly set up by Canada, the GNWT and the Dehcho and its reports were of the full committee. The issue of the LUP was dominated much of the two-day sessions.

Nahanni National Park Expansion

Gordon Hamre of Parks Canada and his colleagues outlined three options for the park:

- The entire 28,000 sq km watershed, with no third party interests (ie mining, forestry etc) must be protected including all the South Nahanni Watershed;
- Watershed boundaries excepting existing third party interests. Currently there are two mining companies exploring in the expanded boundaries; and
- The third option builds on the second one minus the third party interests.

All of the studies and assessments within the proposed expansion area have been concluded and are available for the public through the National Parks Office in Fort Simpson. The Mineral and Energy Resource Assessment (MERA) has been completed, there is concern about the release of the report and the land withdrawals that are currently in effect. Dehcho Process land withdrawals did not include the entire Greater Nahanni Ecosystem (GNE). Parks Canada applied for the land withdrawals that cover the entire Dehcho Portion of the GNE. Once approved the land withdrawals will remain in effect for the same period of time as the rest of the land withdrawals that resulted through the Dehcho Process which run until autumn 2008.

There is a fear that the area may be left open for public disposition during a lapse in the current withdrawals and proposed withdrawals for the expansion area once the MERA has been released. We do not want our resources eaten up by third party interests. We are hopeful that land withdrawals will be approved before the release of the MERA.

The National consultation tours are slated to commence in January 2007, currently there is no role for the consensus team in the consultation tours

NWT Senator Nick Sibbeston has voiced strong views about the expansion of the Nahanni National Park so much so that Parks Canada representatives stated that it is important to their processes to confer with the Senator. The Grand Chief commented that the Senator “should remain at arms length from the process and be mindful of the Senate code of ethics. The Senator is an appointed position and does not speak for the people of the Dehcho. He should be working with current and accurate information putting Dehcho interests first.”

Land Use Plan Committee

- Canada stated that the skilled work of the LUPC over the past five years was now concluded but its report in its present form would not be accepted by the Minister of Indian and Northern Affairs, nor by the GNWT which has similar views to INAC. The minister had a number of concerns and had given Canada’s negotiator instructions that the approval of the plan is to be negotiated. Once the Plan is approved by the Dehcho, it will be negotiated with GNWT and federal government;
- Canada will not accept current LUP because of concerns raised by minister on conservation vs. economic development, giving Dehcho, he said, the highest conservation zone in Canada with 25 percent allocated. He said the LUP does not reflect the land selection model.
- DFN demanded that Canada inform them of the areas they wanted changed in the LUP and explain their reasons. There had never been any intention that the LUP was to be

developed with land selection taken into account. The LUP and land selection must be looked at together.

- DFN strongly opposed dismantling the LUP Committee as Canada suggested. If the Dehcho eventually decides to go with Land Selection, then the LUP would be more acceptable to everyone. There is no reason to tie the LUP to an AiP. It can be implemented without an agreement and the Committee will continue to work in that area.
- The DFN raised specific questions about Canada's reversal of its agreement on LUP:
 - since Canada and the GNWT were full members of the committee for the five years of its existence why did they not raise any concerns during the thousands of hours of research?
 - why did Canada wait five years to link a LUP to an AiP
 - does Canada realize that this action by the Minister has widened the gap between the two Parties further than ever?
 - where does the land use plan go from here?

Land Quantum

- The DFN negotiators asked what authority the Dehcho Resource Management Authority would have beyond the lands that the Dehcho will have ownership of? What boundaries are going to be for the expanded Nahanni National Park, the Ehdezhie and the Hay River Reserve? Is Canada is going to offer 40-50 percent of land which includes conservation. This information would give the DFN team some idea of how this is all going to fit together.
- DFN cannot negotiate land quantum numbers but must have some idea of Canada's numbers to get to the point where we know what Canada is willing to offer us. The latest offer of 39,000 sq km is not credible.

Trans-boundary issues south of 60

- DFN asked whether is possible to select lands south of the sixtieth parallel and in the Yukon, as well as northern parts of British Columbia and Alberta. Canada responded that the Land Claim in the NWT has to be dealt with first, then claims will have to be made with the B.C. Treaty Commission with regards to Acho Dene Koe lands, and with Fort Wrigley in regard to the Yukon. Since Alberta has no land claims process a new process would be required. Canada will be looking at those issues after the claims have been completed in the NWT.

The next negotiating sessions were discussed with Canada complaining that it was too difficult for them to hold all meetings in Dehcho communities due to travel and logistics. DFN reminded them of this agreement to hold all talks in the Dehcho and that the Edmonton meeting was a concession to Canada. Meetings will continue to be held in the Dehcho territory except under unusual circumstances. The next meeting was scheduled for Hay River, Jan. 16-17, 2007.