



DEHCHO FIRST NATIONS

BOX 89, FORT SIMPSON, NT X0E 0N0

TEL : (867) 695-2355/2610 FAX : (867) 695-2038

EMAIL: dcfn@dehchofirstnations.com



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 first negotiating session of 2007 was held at the Community Centre in Fort Simpson, Feb. 7-8. Chief Negotiator Georges Erasmus led the DFN team. Tim Christian is chief negotiator Canada's team and the GNWT was represented by Mark Warren.

- All meetings opened and closed with prayer.
- The talks centred around the final report of the Land Use Planning Committee, its future and the reluctance of Canada to clarify the mandate, revisions to the report, present amendments or revisions, moving to implementation and monitoring.
- Grand Chief Herb Norwegian of DFN started the opening session with a strong call for support of the work and final report of the Land Use Planning Committee (LUPC) which was set up jointly by Canada and DFN in 2001. Norwegian called the report and work of the LUPC as “the centrepiece” of the Dehcho position. “It has been widely praised both in the North and even internationally,” he said, “as a model of land use planning. It uses the best of European science and traditional Dehcho knowledge.” The Grand Chief called the Land Use Plan, which DFN has approved, “our” plan and reminded Canada the committee was a creation of all Parties at the negotiating table. It was a joint venture until the Edmonton negotiations (Dec. 18-19, 2006) “until suddenly and without warning Canada wanted the committee’s work to cease” because they had written their report.”
- He spoke directly to both sides, saying the Dehcho are in negotiations for the “long haul even if sometimes we take small steps.” Canada wants the LUP approval tied to an Agreement in Principle (AiP) while DFN wants the processes to proceed in tandem, in parallel. Norwegian, referring to the sudden political drama in Ottawa around the environment, suggested the LUP and Dehcho can offer them the “green agenda” they want so badly.
- Canada replied that it wanted an amended LUP but had problems with parts of the report it said created an imbalance between conservation and economic

development. They say they only want 40% of the Dehcho territory to be managed as conservation zones. The plan approved by the Dehcho has about 60% designated as areas for conservation or special management. Canada also said Indian and Northern Affairs Minister Jim Prentice had written to Grand Chief Norwegian Jan. 25. Prentice also expressed problems with the conformity requirements and called the Special Infrastructure Corridor too restrictive, stating that the proposed final plan limits land selection options. Canada wants a corridor which is 3-5 kms wide.

- Canada then presented two documents as proposals for new terms of reference on the “Dehcho Land Use Planning Committee” and for a “Lands Working Group” both of which would drastically alter the work of the LUPC. Both appeared to radically depart from the Interim Measures Agreement which all parties agreed to in 2001. The IMA set up the LUP, and all Parties agreed to participate. At first reading, the DFN chief negotiator said, the lands working group proposal was premature and the new terms of reference for LUP seemed to anticipate immediate land selection. Approval and implementation of the Plan was also tied to completing an AiP. The Dehcho then withdrew to caucus together and returned, having basically decided to reject most of both documents.
- The caucus did agree that Canada and GNWT could nominate new representatives to the LUPC but insisted that these persons should have clear instructions from Canada and GNWT as to their positions on amendments or changes. Until now the other Party committee representatives appeared to have very little input from their political leadership. The DFN also agreed that the new chairperson of the committee could be elected by both Parties to the negotiations. The current chair, Grand Chief Norwegian, even though he remains deeply committed to the LUP, “graciously” agreed to step down as committee chair in the interests of making progress.
- Canada continued to insist that the interim land use planning committee must modify the plan “that can be implemented upon completion of an AiP.” This is unacceptable to the mandate DFN negotiators work under. As well, land selection is not on the table since the mandate from DFN leadership is only to “explore” land questions. DFN rejected the second document on a Land Use Working Group as premature and not in keeping with the IMA.
- The DFN then presented a draft 13-point LUPC workplan. A number of options would be developed and presented to the main table by the end of March. They, in turn, would consult their principals and the committee would develop and draft a consensus around preferred options. A draft plan would be submitted to the negotiators by the end of May to be initialled by both chief negotiators and recommended to their principals. The parties could approve the revised land use and, in the case of the Dehcho, to its June Assembly. Erasmus acknowledged this plan would require a great deal of hard work by the Committee and the parties but said, if the will to move forward is there, it is do-able.

- Canada then withdrew its first two drafts and went into caucus, eventually returning with a new draft which its chief negotiator said might meet DFN's objections. Erasmus responded that he had "serious doubts" about both papers and rejected again the second draft of the Lands Working Group since he had no mandate for selecting lands, only a DFN mandate to "explore", a point he made several times to Canada. "The Dehcho have not changed this basic position and Canada knows that," he said.
- DFN's chief negotiator also said that approval and implementation of an LUP must be separated and clarified in order that land use planning continue even if agreement on an AiP collapsed. The attempts by Canada to link the two is a new development. Erasmus made it clear: "the Dehcho have given us no mandate to do this." The DFN also expressed "serious" concerns that the new Canada document on LUP was an attempt to deceive the Dehcho into making land selections when Canada knew well there was only a mandate to "explore", not select. Erasmus also informed Canada that any major change such as land selection could only be mandated by a DFN Assembly and that there was one planned for June of this year.
- The parties then agreed to adjourn for separate meetings and return the next morning (Feb. 8) with further proposals. The Dehcho team caucused late into the night to work on proposals and trying to find common ground where Canada might move ahead with the DFN.
- The next morning the DFN chief negotiator summarized where the Fort Simpson talks had gone with further proposals:
 - DFN could agree to link the LUP implementation to the initialling of an AiP if Canada agreed to approving a revised LUP prior to finishing an AiP
 - Chair of LUPC will be appointed by all Parties;
 - LUP will be submitted for approval after recommendation by chief negotiators;
 - upon signing of an AiP and implementation of the LUP, lands will be identified and withdrawn for land selection purposes;
 - existing land withdrawals will be extended until a final agreement or implementation of an LUP, whichever comes first. Upon approval of the LUP, withdrawals will be updated to include the conservation zones and special management zones of the proposed LUP as appropriate;
 - Canada will commit that the interim LUP will "guide" decision-making until it becomes law.
 - all the Parties will re-commit to the Interim Measures Agreement, together with provisions that mineral claims cannot be recorded without the support of the affected DFN communities;
 - the approved LUP will be implemented and legally binding on signing of an AiP or termination of the Dehcho Process, whichever comes first; and
 - these should prove a "good green news story" for the government and certainty for industry.

- Canada's chief negotiator responded, after caucus, that he could only accept the first two points and the last and that the remainder would require him to seek instructions from his political bosses before he could respond.
- The remainder of the meeting was spent setting schedules, dates and locations of further negotiating sessions. The next session is to be held in Fort Providence, March 6 through 8, 2007. Future meetings can be found on regularly updated calendars at www.dehchofirstnations.com.

Acronyms:

AiP: Agreement in Principle

DFN: Dehcho First Nations

IMA: Interim Measures Agreement

LUP: Land use Plan

LUPC: Land Use Planning Committee

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